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# State of Montana

STATE DOCUMENTS

## DETENTION & SHELTER CARE PLAN

### 1976

Office of the Governor's  
Budget & Program Planning

Thomas L. Judge  
Governor

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P L A N

1976

OFFICE OF THE GOVERNOR  
BUDGET AND PROGRAM PLANNING

MONTANA BOARD OF CRIME  
CONTROL  
DEPARTMENT OF JUSTICE

CHILD AND YOUTH  
DEVELOPMENT BUREAU  
DEPARTMENT OF SOCIAL AND  
REHABILITATION SERVICES

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\*Patrick M. Melby, currently acting director of the Department of Social and Rehabilitation Services, served as chairman from July 1, 1975, until his recent appointment to the SRS position in May, 1976.

This report has been compiled in response to Senate Joint Resolution 22 in which the Montana Legislature requested the Office of the Governor to study shelter care and detention services for juveniles and to develop a comprehensive plan for the provision of such services.

This task was carried out by the Detention and Shelter Care Steering Committee, which consisted of representatives of several agencies and organizations in Montana State Government. Staff support was provided by Mary Blake, through a contract with the Montana Board of Crime Control and John Wilkinson, Child and Youth Development Bureau. Additional staff assistance was rendered by the Child and Youth Development Bureau, Department of Social and Rehabilitation Services, and the Research Unit of the Governor's Office of Budget and Program Planning. Financial support came from the Montana Board of Crime Control and the Child and Youth Development Bureau of Social and Rehabilitation Services.

The study supporting this plan could not have been completed without the cooperation of the professionals serving in the field of juvenile justice and youth services. Acknowledgement of their valuable time and assistance is offered to all of the Juvenile Probation Officers, Aftercare Counselors, law enforcement personnel, and county social workers who contributed so willingly of their time.

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## INTRODUCTION

This document was prepared in response to Senate Joint Resolution No. 22 which was introduced by Senators Tom Towe and Mike Greely in the 44th Legislative Session, 1975.

The impetus for SJR 22 was the submission of several bills to the legislature regarding funding of detention and shelter care services. Local governmental agencies expressed a concern for youth being detained and requested assistance from the State in providing adequate detention facilities. A lack of information and state direction in the area was evident. For one thing, no "system" existed which the State could buy into. The result was collaboration between several legislators and state youth services planners who supported the concept of studying the current situation in order to develop specific plans for the development of such a service system. Commitments were obtained from several state departments and the resolution was passed unanimously on April 10, 1975. The resolution reads as follows:

*A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING THE OFFICE OF THE GOVERNOR OF THE STATE OF MONTANA TO STUDY SHELTER CARE AND DETENTION SERVICES FOR JUVENILES, AND TO DEVELOP A COMPREHENSIVE PLAN FOR SUCH SERVICES.*

*WHEREAS, the forty-third Legislature enacted the "Montana Youth Court Act," which encourages the use of shelter care and*

holding facilities for the detention of juveniles pending court action, and

WHEREAS, there is a critical lack of such facilities, and

WHEREAS, a number of Montana communities have shown considerable interest in the development of such facilities, and

WHEREAS, Congress has enacted the "Juvenile Justice and Delinquency Prevention Act of 1974" and has directed the states to develop plans to implement the goals of this act and those of the "Omnibus Crime Control and Safe Streets Act of 1968," and

WHEREAS, section 223(a)(12) of the "Juvenile Justice and Delinquency Prevention Act of 1974" provides that juveniles, who are charged with or who have committed offenses that would not be criminal if committed by an adult, shall not be placed in juvenile detention, but must be placed in shelter facilities.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That, the office of the Governor of the State of Montana develop a comprehensive plan for shelter and detention care services for juveniles who are awaiting court orders or execution of court orders,

BE IT FURTHER RESOLVED, that the departments of Community Affairs, Institutions, Social and Rehabilitation Services, Health and Environmental Sciences, and Justice assist the Governor's Office in developing the plan.

BE IT FURTHER RESOLVED, that the plan include: a philosophy of detention; a review of existing facilities and programs for

*detention; a designation as to state and local responsibilities within state organization; estimated costs of services and facilities, including alteration and remodeling of existing facilities; and recommendations as to content and scope of detention services.*

*BE IT FURTHER RESOLVED, that the comprehensive plan be reviewed by: the Montana Council on Criminal Justice Standards and Goals; the Montana Probation Officers' Association, the Montana Board of Crime Control; the Montana Judges' Association; the Montana Corrections Association; the Montana Sheriff's and Peace Officers' Association, and the Montana Association of Counties.*

*BE IT FURTHER RESOLVED, that the plan be submitted with recommendations for legislation, to the Legislative Council four months prior to the convening of the Forty-fifth Legislative session.*

Personnel of the Montana Board of Crime Control (MBCC) and the Child and Youth Development Bureau of Department of Social and Rehabilitation Services agreed to staff the study at the request of the Governor's Office. MBCC and the Child and Youth Development Bureau contracted for additional staff and provided supportive services for the study. A steering committee was established by the Governor's Office which included representatives of the departments of Community Affairs, Institutions, Social and Rehabilitation Services, Health and Environmental Sciences, Justice, and the Office of Superintendent of Public Instruction. A representative of the Montana Probation Officers' Association was also included at a later

date. This Steering Committee was responsible for the development of a working philosophy of detention and shelter care and presentation of all issues and recommendations offered for review. The Montana Probation Officers' Association and the Corrections Association actively participated in the review and critique of the review draft. Their comments were supplemented by input from the Youth Justice Advisory Council, the Association of Counties and the Council on Criminal Justice Standards and Goals. The Board of Crime Control, the Judges' Association, and the Sheriff's and Peace Officers' Association participation was also requested. The responses of the Probation Officers' Association are reproduced in Appendix 1.

#### METHODOLOGY

Of primary concern was the question of current practices and policies as contained in statutes currently pertaining to the detention of youth. An initial review of the recently passed Montana Youth Court Act indicated that the subject of detention was treated inadequately. (In all fairness to the authors of that legislation, the task of including within its purview various parts of the criminal justice system, involving the public in the process, and rewriting a seriously outdated set of juvenile statutes, was an enormous feat.)

In the areas of practice and policy, little was documented about how detention decisions were made. No information existed on who made detention decisions, the factors that affected the decisions, or the summative effects of those decisions. This area was of major concern to the Steering Committee, for without this information in hand, any attempt to modify the current system would be premature.

In order to correct some of these deficiencies, a questionnaire designed in cooperation with the University of Denver and the University of Montana was administered to 115 persons involved in making detention and shelter care decisions in Montana. The respondents included aftercare counselors, juvenile probation officers, chiefs of police, juvenile police officers, and county social services caseworkers (see Appendix 2). In the survey the respondents were asked as many as 175 questions on what they felt were the objectives of detention and shelter care; information they considered important or unimportant when making these decisions; and their opinions on a wide spectrum of detention and shelter care issues. An additional questionnaire was administered to chief probation officers concerning their detention practices and policies (see Appendix 2). This questionnaire was also designed in cooperation with the University of Denver and addressed similar questions.

Another area of concern was acquiring an accurate picture of the youth detained and sheltered in Montana. The

Montana Board of Crime Control (MBCC) has been supporting a voluntary juvenile information system for the Youth Courts for the past five years. 1974 data was retrievable from that system on the number of referrals to probation offices, the number of youth detained, length of detention, type of alleged offense, dispositions and characteristics of the youth involved. An analysis of that data is contained in Chapter II. Data of this type for 1975 was more difficult to gather, as the MBCC was changing to a new system during that year. Some Youth Courts, as a result, were using the old system, some the new system, and a few jurisdictions discontinued reporting all together. The new system was not fully operational prior to the completion of this study, and therefore, the data was not easily retrievable. However, some data for 1975 regarding youth detained and length of detention was gathered from individual probation offices and county jails. In some jurisdictions, estimates had to be used due to lack of accurate data. The resultant 1975 statistics regarding detention are reported in Chapter II, Section 2.

Shelter care data on the number of youth sheltered and length of such shelter care was simply not available for this study. Youth Courts, county social services (SRS), and the Bureau of Aftercare (Department of Institutions) do not maintain this particular information in an accessible format. The information systems of SRS and Aftercare, for

example, do not distinguish between shelter care as defined by this study (temporary care of youth in physically unrestricting facilities pending court action or execution of a court or administrative order) and longer term placement in foster or group care. The law regarding temporary care pending court order or action does not distinguish between detention and shelter care and, therefore, the Youth Courts have not maintained separate data.

The report on jail costs (see Appendix 3) was compiled by the Research Unit of the Office of Budget and Program Planning. The samples were drawn with two factors in mind: (1) size of the community/county, and (2) availability of requested information. The resulting cost figures represent a minimum cost since factors such as facility space, utilities, and capital expenditures were not included due to a lack of available data.

#### WHAT IS DETENTION AND SHELTER CARE?

Detention, as used throughout this plan means: the temporary care of youth in physically restricting facilities pending court action or execution of a court or administrative order.

Shelter Care, as used throughout this plan, means: the temporary care of youth in physically unrestricting facilities pending court action or execution of a court or administrative order.

For the purpose of this study and plan, youth means a person or persons age ten (10) through seventeen (17).

#### OUTLINE OF CHAPTERS

CHAPTER I is the summary of recommendations for the development and improvement of detention and shelter care services. Proposed legislative changes to be introduced this legislative session are also included.

CHAPTER II is an analysis of 1974 data regarding detention as well as a brief presentation of 1975 data.

CHAPTER III presents the Steering Committee's working philosophy of detention and shelter care.

CHAPTER IV is a review of the present juvenile statutes regarding detention and shelter care and is followed by the proposed detention and shelter care decision-making process.

CHAPTER V reviews the facilities and services presently available for detention and shelter care of youth and proposes an alternative system with recommendations for costs and management. Program justifications are presented in Section 3. All cost figures will be presented as a Budget Addendum under separate cover.

Recommendations and items of importance presented in this document will be designated by use of italics.



## CHAPTER I

### RECOMMENDATIONS OF THE DETENTION AND SHELTER CARE PLAN

The following recommendations presented on the complete Detention and Shelter Care Plan of 1976. Three asterisks (\*\*\*) indicate that the recommendation is the basis for proposed legislation as presented in the next section of this Chapter.

\*\*\*1. "Detention" is the temporary care of youth in physically restricting facilities pending action or execution of a court or administrative order. The only purpose of detaining a youth should be:

- (a) to ensure the safety of the community or of the youth;
- (b) to ensure the youth's appearance in court; and,
- (c) to await transfer to another jurisdiction.

The three purposes listed should be applied only if a preliminary decision has been made that further action will be taken by the youth court.

\*\*\*2. "Shelter care" is the temporary care of youth in physically unrestricting facilities pending court action or execution of a court or administrative order. The only purposes for placing a youth in shelter care should be:

- (a) to allow the youth and his/her family the opportunity to address their problematic situation when it is not possible for the youth to remain at home;
- (b) to protect the youth from physical and/or emotional harm;
- (c) to prevent or deter the youth from immediate repetition of his/her troubling behavior;
- (d) to provide the opportunity for assessment of the youth and his/her environment;
- (e) to provide adequate time for case planning and disposition; and,
- (f) to intervene in a crisis situation and provide intensive services/attention that might alleviate the problem and reunite the family.

3. As much care must be taken to avoid the misuse and over-use of shelter care and other alternatives to detention, as with detention itself.
4. Similarly, dependent, neglected, and abused youth should never be placed in detention, not only to avoid exposure to criminally involved individuals, but also to ensure appropriate care of these youth who are victims rather than offenders.
5. In order to further avoid the misuse of detention on the grounds that there is no other alternative available, shelter care facilities and services with varying degrees of supervision, and therefore, security should be developed.
6. Every effort should be made to hold youth in the least restrictive alternative available while ensuring the safety of the community and the youth.
- \*\*\*7. No matter who makes the decision to detain, a review should occur immediately to determine if the detention should continue.
- \*\*\*8. Pre-dispositional and post-dispositional care of youth have separate and distinct purposes and should be maintained separately.
9. The statutes should carefully and clearly set policies for detention and shelter care in Montana.
- \*\*\*10. In order to establish a guide to decision-making and assure fair and equal treatment in detention and shelter care, criteria must be established and used statewide to determine if a youth should be detained or sheltered.
- \*\*\*11. The law should strongly and clearly designate the appropriate detention and shelter decision-making agencies and assign those agencies the responsibility to make such decisions.
12. It is recommended that the provision of 24-hour intake services be available where practical and that the youth courts be funded in a manner to provide the supplemental manpower for such services.
13. State-established criteria for detention determination of a youth should consist of these basic factors:
  - (a) whether there is reasonable cause to believe that the youth had committed or was committing an offense. (Gerstein v. Pugh, U.S. Supreme Court);

- (b) whether detention is necessary for the safety of the community or of the youth;
  - (c) whether there are adequate assurances that the youth would be present for further court or administrative action; and,
  - (d) whether the youth is pending transfer to another jurisdiction.
14. State-established criteria for shelter care determination should consist of these basic factors:
- (a) whether the youth and his/her family needs shelter care to address their problematic situation when it is not possible for the youth to remain at home;
  - (b) whether the youth needs to be protected from physical or emotional harm;
  - (c) whether the youth needs to be deterred or prevented from immediate repetition of his/her troubling behavior;
  - (d) whether there is need to shelter in order to assess the youth and his/her environment;
  - (e) whether there is need for shelter care in order to provide adequate time for case planning and disposition; and/or,
  - (f) whether shelter care is necessary to intervene in a crisis situation and provide intensive services/attention that might alleviate the problem and reunite the family.
15. Any youth who appears or is known to have suicidal tendencies or will probably need medical attention due to alcohol or drug abuse must not be detained in a local jail or lock-up, but rather should be immediately referred to a local hospital with appropriate facilities.
16. It is recommended that the intake services provided by SRS, Juvenile Probation Offices, and the Bureau of After-care, include staff who will be physically present (where practical) when a youth is referred for possible detention or shelter care.
17. Intake services should include crisis intervention counseling for the youth and his/her family and allow for possible diversion from the detention/shelter care system.

18. If a youth is to be detained for more than 24-hours, an authorization to hold or court order shall be obtained from the youth court judge within 24-hours of the initial detention. If the judge is not available, the chief probation officer (or aftercare counselor if youth is under aftercare supervision) may authorize the youth's detention, but shall notify the youth court judge of the detention as soon as possible.

The authorization to hold shall be requested from the probation officer (or aftercare counselor) who made the detention decision to detain the youth and shall include the following information:

- (a) the youth's name;
- (b) the alleged violation;
- (c) reasons for detention;
- (d) the date and time of initial detention;
- (e) other placement alternatives investigated;
- (f) date and time of authorization requested;
- (g) probation officer (or aftercare counselor) requesting the authorization;
- (h) date and signature of authorization; and,
- (i) evidence of notification of the youth court judge.

- \*\*\*19. Any youth detained should be notified immediately of his/her option to petition the court for a hearing on the detention as stated in Section 10-1216(4).
20. Adequate shelter care services should be developed to adequately meet the shelter care needs of youth served by the youth courts, SRS, and Aftercare.
21. Detention centers should not be developed at this time due to the low average daily population of youth in detention in Montana (1975 = 24.7).
22. Attention Home Programs providing group shelter care should be developed in Billings and Great Falls.
- \*\*\*23. SRS, Aftercare (Department of Institutions), and youth courts should be provided with the financial capability from state appropriation to purchase shelter care ser-

vices at actual cost of providing those services (Attention Homes = \$14 to \$18 per youth care day; Other Shelter Care = \$5 to \$10 per day).

24. Home supervision programs, which provide intensive supervision of a youth while he/she remains in his/her home pending court action, should be considered by youth-serving agencies.
25. A detention and shelter care project manager should be provided for a two year period for system development and maintenance activities.

CHAPTER II  
DETENTION IN MONTANA

SECTION I. ANALYSIS OF YOUTH REFERRED TO PROBATION IN 1974

Limitations of 1974 Data

A number of limitations to the Board of Crime Control data require further discussion. First of all, not all judicial districts reported for the entire year since the data reporting system is a voluntary one. As a result, a district may or may not have elected to report statistics on youth they handled. See Appendix 4 for 1974 state totals.

Secondly, the youth reported on are only those who were referred to probation, and not the total youth either arrested or who in some other way came into contact with law enforcement. This data was not available in 1974.

Thirdly, the system does not identify repetitive offenders. In other words, the numbers reported are for individual offenses rather than identification or individual youths. It was, therefore, not possible to compute, for example, how many youth had been detained, and how many times each one had been detained during the year. However, even though the data identify offenses rather than individual youth, the term "youth" will still be used for the sake of consistency and convenience.

Finally, certain categories in the reporting format

were basically not functional, as for example, income. This limited the number of independent variables that could be examined.

The Board of Crime Control is currently in the process of correcting these deficiencies, but in analyzing the 1974 data, the following approach was undertaken to minimize error. First, data are reported statewide rather than by district. Second, percentages accompany all numbers, thereby allowing the reader to view the overall pattern rather than concentrating on detail.

#### DEFINITIONS

Several terms used in this analysis need to be discussed. The term status offense refers to those offenses defined by law, which if committed by an adult, would not constitute a criminal offense. In other words, these offenses can only be committed by juveniles. The following offenses are considered to be status offenses in the Board of Crime Control data reporting system:

- Curfew Violation
- Ungovernable
- Probation Violation\*
- Local Runaway
- Non-Local Runaway
- Truancy
- Unsupervised
- Health and Morals
- Dependent and Neglect
- Disturbing the Peace
- Liquor Violation

\*"Probation Violation" was included in the computer programming as a status offense. Statutorially, a probation violation may be a result of either a status offense or a delinquent offense or both.

At first glance, it appears that disturbing the peace is not a status offense. However, this classification is used as a residual category for most offenses dealing with parent-child conflicts. The term "youth in need of supervision" was not utilized as an identifying category of offenses in place of "status offenses" because the former is a disposition, while the latter is a type of offense. Delinquent offenses, or those offenses of a criminal nature, was the other major category.

Detention, in almost all cases, refers to "overnight in jail." This is because under the "Care Pending Disposition" category in the reporting format, three sub-categories were available, including: No Detention, Overnight Jail, and, Other. When computer runs were made, the "Other" sub-category was analyzed with "Overnight Jail." The problem was in not knowing what placements were included in the "Other" sub-category. Therefore, where possible, the "Other" sub-category was excluded, but in the remainder of the analyses, it was placed under "Detained." Overall, this accounted for no more than a 2.7 percent error rate as evidenced by the following state totals:

	<u>NUMBER</u>	<u>PERCENTAGE</u>
No Detention	5610	72.3
Overnight Jail	1644	25.0
Other	208	2.7
TOTAL YOUTH	7762	100.0



## ANALYSIS OF DETENTION DATA

Overall, four factors were considered in the analysis: (1) major offenses committed; (2) referral sources; (3) whether or not there was prior delinquency; and, (4) what the disposition of the youth was. All factors were broken down by sex and by type of offense (status or delinquent).

### Youth Referred by Type of Offense

Table 1 breaks down the youth referred to probation by status and delinquent offenses and by sex. Overall, 25 percent of youth referred were detained. There was no significant difference between males and females in percentages detained and not detained. Males committed over twice as many offenses as did females, and male offenses were more likely to be delinquent offenses (48%) than were those of females (29%).

It must be noted that these percentages are not representative of a detention rate since these are only youth referred to probation and not total youth arrested or apprehended. The percentage of youth apprehended and then referred to probation statewide is not known, but it is known that these rates varied widely from judicial district to judicial district.

It is interesting that there were more youth detained for status offenses (58%) than for delinquent offenses (42%). However, when this is broken down by sex, less than half (or 48%) of the boys detained were for status offenses, whereas, 80% of the girls detained were for status offenses. This is explained in part by the fact that girls committed over twice

Table 1  
TOTAL YOUTH REFERRED BY TYPE OF OFFENSE  
AND WHETHER OR NOT DETAINED

	STATUS		DELINQUENT		COMBINED	
	#	%	#	%	#	%
DETAINED	1128	30	816	20	1944	25
NOT DETAINED	2626	70	3192	80	5818	75
TOTAL	3754	100	4008	100	7762	100

FEMALE YOUTH REFERRED BY TYPE OF OFFENSE  
AND WHETHER OR NOT DETAINED

	STATUS		DELINQUENT		COMBINED	
	#	%	#	%	#	%
DETAINED	471	31	115	18	586	27
NOT DETAINED	1048	69	517	82	1565	73
TOTAL	1519	100	632	100	2151	100

MALE YOUTH REFERRED BY TYPE OF OFFENSE  
AND WHETHER OR NOT DETAINED

	STATUS		DELINQUENT		COMBINED	
	#	%	#	%	#	%
DETAINED	657	29	701	21	1358	24
NOT DETAINED	1579	71	2675	79	4253	76
TOTAL	2235	100	3376	100	5611	100

as many status offenses as delinquent offenses, but in any case indicates that a girl committing such an offense was far more likely to be detained.

#### Major Offenses for which Youth were Detained

What were these offenses for which youth were detained? Table 2 is a partial listing of those offenses ranked by frequency. At the top of the list for males is Burglary, closely followed by Local Runaway, then by Ungovernable, Non-Local Runaway, and Dangerous Drugs. Of the five major offenses for which males were detained, three were status offenses.

For females, far and away the major offense for which they were detained was Local Runaway, followed by Non-Local Runaway, Ungovernable, Larceny Shoplifting, and Dangerous Drugs. However, the top three offenses were all status offenses and accounted for 68 percent of all females detained.

The major policy implication of this data thus far, especially for females, is the need for reconsideration of the appropriateness of detention for runaways, specifically, and status offenders in general. Some alternative programs have been developed in Montana for runaways since 1974, and it will be interesting to see if they have significantly impacted on these data.

#### Age of Youth Detained

Table 3 shows graphically the number of youth detained

Table 2

MAJOR OFFENSES FOR WHICH  
YOUTH WERE DETAINED IN 1974

OFFENSE TITLE	STATUS	MALES		
		DELINQUENT	# DETAINED	% DETAINED
BURGLARY		X	162	11
LOCAL RUNAWAY	X		159	11
UNGOVERNABLE	X		128	9
NON-LOCAL RUNAWAY	X		125	9
DANGEROUS DRUGS		X	114	8
LIQUOR VIOLATION	X		106	7
AUTO THEFT		X	105	7
GRAND LARCENY		X	60	4
PETTY LARCENY		X	58	4
CURFEW VIOLATION		X	51	4
OTHER			382	26
TOTAL			1450	100

OFFENSE TITLE	STATUS	FEMALES		
		DELINQUENT	# DETAINED	% DETAINED
LOCAL RUNAWAY	X		251	36
NON-LOCAL RUNAWAY	X		149	21
UNGOVERNABLE	X		77	11
LARCENY SHOPLIFTING		X	31	4
DANGEROUS DRUGS		X	30	4
LIQUOR VIOLATION	X		25	4
OTHER			139	20
TOTAL			702	100

by age. The only group to show a steady increase through age seventeen was that of Delinquent Males. Delinquent Females leveled off at age sixteen through age seventeen, but their relative frequency was quite low (34) compared to the other three groups. Surprisingly, more female status offenders, between ages twelve and fifteen, were detained than any of the other three groups. But, by the time they reached sixteen, their numbers fell off drastically. Much the same was true for male status offenders, except they dropped off between ages sixteen and seventeen.

#### Referral Source of Youth

Are detained youth referred from different agencies than those youth who are not detained? Table 4 addresses this question by breaking down total youth referred by type of offense, whether or not detained, and referral source.

As might be expected, more youth were referred to probation by law enforcement than any other source. The proportion of detained youth referred by law enforcement (91%) was only slightly higher than the proportion of those not detained by law enforcement (98%).

Most law enforcement referrals were for delinquent offenses (67%), whereas, most school (93%), parent (88%), and other (56%) referrals were for status offenses. Of all the referral sources, law enforcement and parental referrals were more likely to result in detention. This was independent of



Table 3  
Number of Youth Detained  
By Age and Type of Offense

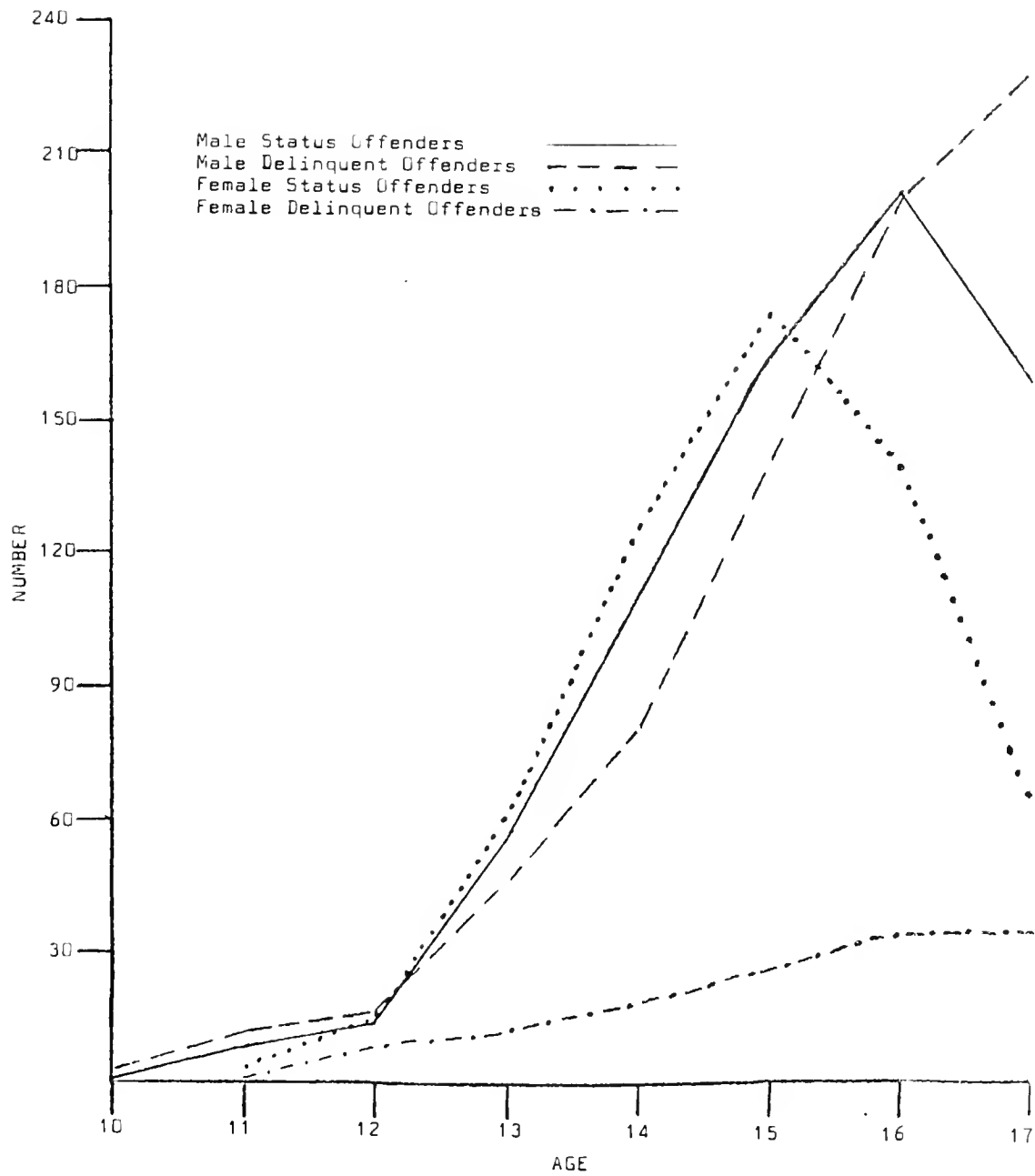






Table 4

## REFERRAL SOURCE OF ALL YOUTH

STATUS				DELINQUENT				COMBINED	
DETAINED		NOT DETAINED		DETAINED		NOT DETAINED		#	%
#	%	#	%	#	%	#	%		
1113	86	1994	81	851	98	2995	95	6953	90
24	2	175	7	1	---	14	---	214	3
97	8	210	8	8	1	32	1	347	4
51	4	88	4	7	1	102	4	248	3
1285	100	2467	100	867	100	3143	100	7762	100

L.E. AGENCY

SCHOOL

PARENT

OTHER

TOTAL

the nature of the offense as summarized below:

TYPE OF OFFENSE RESULTING  
IN DETENTION

<u>REFERRAL SOURCE</u>	<u>STATUS</u>	<u>DELINQUENT</u>
Law Enforcement	36%	22%
Parent	32%	20%

School referrals for both delinquent (12%) and status (7%) offenses were least likely to result in detention. However, in the "Other" category, a high percentage of status offenders (37%), but a low percentage of delinquent offenders (6%) were detained. In other words, the detention outcome for "Other" referrals was similar to law enforcement and parents for status offenses, and similar to school referrals for delinquent offenses. The overall pattern was the same for males and females.

Law enforcement's role was unquestionably critical in detention decisions. What the data does not indicate, however, is the particular dynamic of this role. It is possible that law enforcement generally referred more difficult cases to probation than did other sources. It is also like that law enforcement was in a stronger position to make detention decisions than were other referral sources. In all probability, however, it was a combination of type of case and ability to make detention decisions.

With parental referrals, however, the situation is more puzzling. It might be inferred that in those cases, proba-

tion was viewed as a last result for a parent-child relationship gone seriously awry.

### Prior Delinquency

Is there a relationship between prior offenses and detention? Table 5 answers this with an unqualified "Yes." Forty-eight percent of all referrals had a prior delinquency or status offense. However, 66 percent of detained status offense referrals had a record of a previous offense. The relationship between previous offense and detention was even stronger for those referred for delinquent offenses - 71 percent were detained. This pattern was the same for both males and females. The correlation for prior delinquency and detention was  $+.33$  for status offenses and  $+.61$  for delinquent offenses. Both correlations were significant at the  $.001$  level of confidence.

It is not known how this relationship varied for number and kind of prior offenses and prior detentions. Certainly, if a youth had already been known to the authorities, the probability of detention was very high.

### Dispositions of Youth

Table 6 presents the two major types of dispositions, either formal or informal, once a youth had been released from detention. The types of formal and informal dispositions are summarized as follows:

Table 5  
PRIOR DELINQUENCY - ALL YOUTH

STATUS				DELINQUENT				COMBINED	
DETAINED		NOT DETAINED		DETAINED		NOT DETAINED		#	%
#	%	#	%	#	%	#	%		
846	66	1073	43	619	71	1149	37	3687	48
439	44	1394	57	248	29	1994	63	4075	52
1285	100	2467	100	867	100	3143	100	7762	100

YES

NO

TOTAL

Table 6

## DISPOSITIONS OF ALL YOUTH

	STATUS				DELINQUENT				COMBINED	
	DETAINED		NOT DETAINED		DETAINED		NOT DETAINED		#	%
	#	%	#	%	#	%	#	%		
INFORMAL	1174	91	2387	97	814	94	2963	94	7338	95
FORMAL	111	9	80	3	53	6	180	6	424	5
TOTAL	1285	100	2467	100	867	100	3143	100	7762	100

## DISPOSITION OF FEMALES

	STATUS				DELINQUENT				COMBINED	
	DETAINED		NOT DETAINED		DETAINED		NOT DETAINED		#	%
	#	%	#	%	#	%	#	%		
INFORMAL	505	88	911	96	113	87	481	95	2010	93
FORMAL	67	12	34	4	17	13	23	5	141	7
TOTAL	572	100	945	100	130	100	504	100	2151	100

## DISPOSITION OF MALES

	STATUS				DELINQUENT				COMBINED	
	DETAINED		NOT DETAINED		DETAINED		NOT DETAINED		#	%
	#	%	#	%	#	%	#	%		
INFORMAL	669	94	1476	97	701	95	2482	94	5194	93
FORMAL	44	6	46	3	36	5	157	6	417	7
TOTAL	713	100	1522	100	737	100	2639	100	5611	100



## TYPES OF DISPOSITIONS

FORMAL	INFORMAL
1. Commitment to a Public Juvenile Delinquency Institution	1. Dismissed
2. Court Custody - Formal Probation	2. Warned
3. Private Agency or Home	3. Held Open or Pending
4. Deferred Commitment or Suspended Sentence	4. Informal Probation
5. Other	5. Referred or Return Runaway
	6. Temporary Custody
	7. Other

It was expected that detained youth would be more likely to have been dealt with formally than those youth who had not been detained. Overall, this was true for status offenses, but not for delinquencies. Only five percent of all dispositions were formal, but the probability that a status offender would be dealt with formally was three times greater for detainees than non-detainees. No such difference existed for delinquents. When this relationship was controlled for sex, the same pattern prevailed for status offenders - formal dispositions were more likely for both male and female detainees. However, for delinquents, female detainees were twice as likely to be formally disposed of than non-detainees, whereas, detention had no bearing on the type of disposition for males.

Where a youth does not present a clear danger to himself or to society, it would appear detention is unnecessary. What is disturbing is that even though informal dispositions are desirable, in nine out of ten cases of detention, such





action was taken on the basis of informal dispositions. This usually involved an overnight stay in jail. Taken further, it would appear that such practices may not now be wholly legal in light of the Montana Youth Court Act, which couches its language on detention in terms of an impending petition being filed.

The data are not easily productive of consideration of questions concerning what types, combinations, or histories of previous offenses had a bearing on whether dispositions were formal or informal. However, the data did indicate that female detained offenders had the greater probability of formal disposition than any other category.

#### Summary

As was noted in the first part of this chapter, the incompleteness, measurement of deficiencies, and the duplicative nature of the available data did not permit a more detailed analysis. It is hoped that the new data system being developed by probation officers and the Board of Crime Control will be of better quality and will have a greater retrieval capabilities.

However, the major patterns derived from the 1974 data are important. There is little question that the major population at risk in terms of overnight jail detention were status offenders. The major offense for which all youth were detained was runaway (even though the most frequent offense for boys was burglary).

If the patterns described above persisted in 1975 and into 1976, then more thoughtful consideration of alternatives to detention for status offenders, and runaways in particular, needs to be undertaken. However, unless law enforcement agencies are involved in this consideration, creating such alternatives would be premature, since law enforcement agencies are the major source of referrals.

One other major point is the high percentage of detained youth in every category who were informally disposed of on release. The appropriateness of detention in cases where court action will not take place must be seriously questioned. It would appear that tighter screening of offenders at the point of intake, along with a greater variety of alternatives, would do much to correct this situation. Reductions in appropriately detained youth can only take place when a total systems-wide approach is taken to the problem.

## SECTION 2. YOUTH REFERRED TO PROBATION IN 1975

### Limitations of 1975 Data

Some of the limitations of this data have been specified in the previous section. Additional limitations resulted in the inability to sufficiently analyze 1975 data. These additional limitations are as follows:

- (1) Some jurisdictions began reporting their statistics to a new information system being implemented by the Montana Board of Crime Control. This system was not able to retrieve the data at the time of this report. All data was manually retrieved and therefore, only total numbers of offenses and youth detained can be reported.
- (2) Some jurisdictions only partially reported their statistics to the MBCC system. An attempt was made to gather the missing information, but, due to the varying records kept, totals of offenses and youth detained were the only comparable data.
- (3) Some juvenile information was not kept in any retrievable manner which necessitated "educated guesses."

The following data presented is presumed to be less than the actual number of youth referred to probation and number of youth detained. The information for 1975 that is available is as follows:

TOTAL REFERRALS TO PROBATION = 11,787 youth

TOTAL NUMBER OF YOUTH DETAINED = 3,434

TOTAL NUMBER OF DAYS OF DETENTION = 9,019.5

AVERAGE LENGTH OF DETENTION = 2.63 days

PERCENTAGE OF REFERRALS DETAINED = 29.13

(PERCENTAGE OF YOUTH DETAINED FOR STATUS  
OFFENSES = 47%\*)

\*This is a rough figure derived from those jurisdictions  
that provided status/delinquent breakdowns.

These statistics represent data collected from 79  
percent of the counties in Montana, which include 93 per-  
cent of Montana's total population (according to population  
projects for 1974).

## CHAPTER III

### PHILOSOPHY

#### SECTION 1. GENERAL OVERVIEW

The Declaration of Purpose of the Montana Youth Court Act (10-1202) expresses the following legislative intent:

- (1) to preserve the unity and welfare of the family whenever possible, and to provide for the care, protection and wholesome mental and physical development of a youth coming within the provisions of the Montana Youth Court Act;
- (2) to remove from youth committing violations of the law the element of retribution and to substitute therefore a program of supervision, care and rehabilitation;
- (3) to achieve the purposes of (1) and (2) of this section in a family environment whenever possible, separating the youth from his parents only when necessary for the welfare of the youth or for the safety and protection of the community;
- (4) to provide judicial procedures in which the parties are assured a fair hearing and recognition and enforcement of their constitutional and statutory rights.

Jailing of Montana youth would not be encouraged under Section (1), since Montana jails certainly do not "provide for the care, protection and wholesome mental and physical development of a youth". Montana jails also do not provide "a program of supervision, care and rehabilitation" as called for under Section (2) of the Act. Section (3) calls for the careful screening of youth before he/she is separated from the family environment; yet, in other sections, the Youth Court Act allows screening to take place after the initial

detention of the youth occurs. Finally, Section (4) advocates due process of law for youth in Montana, but the statute itself does not require a probable cause hearing or a method of judicial review of detention practices.

In its deliberations on a working "philosophy of detention" as requested by Senate Joint Resolution No. 22, the Steering Committee stayed within the parameters of the declaration of purpose as stated above. The Committee developed a philosophy which addresses these issues of detention and shelter as stated in 1973 by Rosemary C. Sarri, a nationally recognized juvenile justice researcher, author, and consultant:

Lack of resources, lack of effort in trying to develop alternatives to detention, lack of accountability of decision-makers, and lack of adequate information systems that could monitor the jailing of juveniles and the reasons for detention, all contribute to the persistent use of frequent and unnecessary incarceration ...Also of importance in controlling detention are the statutory provisions governing detention hearings, time limits for holding juveniles, and purposes of detention hearings.

The following section will present the Steering Committee's working philosophy which was developed in response to SJR 22.

## SECTION 2: PHILOSOPHY OF DETENTION

The method and rationale of detaining and sheltering youth pending court action or execution of a court or administrative order has been one of the most neglected areas within the juvenile justice system. Recently however, the misuse, overuse, and unfair use of secure detention for those youth awaiting a juvenile court hearing has achieved national recognition and concern. *The need is not for a step by step approach but rather for the design of a comprehensive system that strikes a fine balance between crime prevention and juvenile protection while ensuring due process.*

In order to provide clarity to this philosophical statement and to avoid the ever-present battle of semantics, definitions of detention and shelter care have been specified as well as the purposes of each. "Detention" is the temporary care of youth in physically restricting facilities pending court action or execution of a court or administrative order. *The only purpose for detaining a youth should be:*

- (1) to ensure the safety of the community or of the youth;*
- (2) to ensure the youth's appearance in court; and,*
- (3) to await transfer to another jurisdiction.*

*The three purposes listed should be applied only if a preliminary decision has been made that further action will be taken by the Youth Court. If no further action is planned, the youth should not be detained. This is not intended to require formal processing of more youth in the juvenile justice system, but*

rather to ensure that only the more serious offenders who require such court action be subject to secure detention. *Every effort should be made to divert youth from the juvenile justice system and to prevent their entrance or further penetration into that system.*

"Shelter care" is the temporary care of youth in physically unrestricting facilities pending court action or execution of a court or administrative order. *The only purposes for placing a youth in shelter care should be:*

- (1) to allow the youth and his/her family the opportunity to address their problematic situation when it is not possible for the youth to remain at home;*
- (2) to protect the youth from physical and/or emotional harm;*
- (3) to prevent or deter the youth from immediate repetition of his/her troubling behavior;*
- (4) to provide the opportunity for assessment of the youth and his/her environment;*
- (5) to provide adequate time for case planning and disposition; and,*
- (6) to intervene in a crisis situation and provide intensive services/attention that might alleviate the problem and reunite the family.*

Although there are more stated purposes of shelter care than detention, shelter care also carries with it a societal imposed reduction in mobility for youth and, therefore, a loss of their constitutional rights. *As much care must be taken*



*to avoid the misuse and overuse of shelter care and other alternatives to detention, as with detention itself.*

The creation of the juvenile justice system was a result of the belief that responsibility for one's behavior is directly proportional to the maturity of that individual. The juvenile justice system as it exists today, uses an age limit (18 years of age) to distinguish between the mature and immature offender. Such segregation of youthful offenders should also occur in order to avoid the negative influence of and to provide protection from the more criminally sophisticated offenders.

*Status offenders (runaways, incorrigibles, truants, liquor violators, curfew violators) should only be exposed to the juvenile justice system to receive the benefit of its services. Since none of these offenses should pose a threat to a community, status offenders should be provided with alternatives to detention. If release to a responsible adult is not possible, placement in shelter care should suffice, allowing "security" to be provided through varying degrees of supervision. These youth have allegedly committed a "social" offense which would not be considered an offense if the youth had reached adulthood; the juvenile justice system should avoid exposure of these youth to individuals alleged to have been or in fact were involved in criminal activities.*

*Similarly, dependent, neglected, and abused youth should never be placed in detention, not only to avoid exposure to criminally involved*

individuals, but also to ensure appropriate care of these youth who are victims rather than offenders.

In order to further avoid the misuse of detention on the grounds that there is no other alternative available, shelter care facilities and services with varying degrees of supervision, and therefore, security should be developed. Every effort should be made to hold youth in the least restrictive alternative available while ensuring the safety of the community and the youth. Secure detention, which is most often jail, should not be the initial placement until other alternatives can be considered. It is also critical that those given responsibility for the development of pre-dispositional care programs ensure availability of less restrictive alternatives throughout Montana before building any "detention centers".

No matter who makes the decision to detain, a review should occur immediately to determine if the detention should continue. The decision-maker in the case has the responsibility to present to the Youth Court, for review, the reasons for making the original decision and any more recent information which might affect the continuance or dismissal of the detention situation. This review should allow the court, by virtue of its action and response, to establish and constantly amend its detention practices and procedures.

In order to ensure quality detention and shelter care facilities and services, pre-dispositional and post-dispositional care of youth should be maintained separately. These two types of

care have separate and distinct purposes and should not be combined within one facility in order to conserve resources. Financial concerns should not be allowed to over-shadow quality of care. The post-dispositional delivery of services and residential care should not be interrupted or altered to serve the need for the temporary care of youth in crisis. In turn, temporary placement of a youth in a residential program designed for long-term adjustments often results in longer lengths of stay. The "youth in crisis" needs immediate attention and services, not often available in facilities providing for longer term placements.

*Throughout the detention and shelter care system, the following concepts are of paramount importance:*

- The basic concept of the state as "parens patrie" is still valid.*
- Immature youth and mature adult offenders should be totally separated in any residential situation.*
- Status offenders, whose behavior by definition is not threatening to a community, should not be held in detention except in unusual circumstances.*
- The standard of the least restrictive alternative is viable and tends to serve in the best interests of both the youth and the community.*
- Due process should always be afforded the youth involved and should include, but not be limited to, a judicial review of the detention or shelter care of youth.*
- Pre-dispositional and post-dispositional care of youth have separate and distinct purposes and should be maintained separately.*

Great care should be taken that the system recommended on the following pages not be misused, overused, or unfairly used; that detention and shelter care only be employed when it is absolutely necessary; and that the decision to detain or shelter be constantly reviewed and monitored. This system will only be as good as the legislation that establishes it, as good as the judges who enforce it, and as good as the community resources that are made available to meet the special needs of youth.

## CHAPTER IV

### DETENTION/SHELTER CARE PROCESS AND PROCEDURE

#### SECTION 1. GENERAL OVERVIEW

##### Detention Procedures

*The statutes should carefully and clearly set policies for detention and shelter care in Montana.* Individual jurisdictions could then exercise some discretion, if not afforded by law to interpret the policies into written procedures which would then guide and direct the actual practice of detention and shelter care in that particular jurisdiction. Half of the Juvenile Probation Offices in Montana have written procedures regarding detention\* of youth. However, most of these are a re-statement of the Montana Youth Court Act section which reads as follows:

10-1212. Detention\* of youth. A youth taken into custody shall not be detained prior to the hearing on the petition except when his detention or care is required to protect the person or property of others or of the youth; he may abscond or be removed from the jurisdiction of the court; he has no parent, guardian, or other person able to provide supervision and care for him and return him to the court when required; or an order for his detention has been made by the court pursuant to this act.

The next section in the statute (10-1213) allows for detention of a youth if "the peace officer believes, on reasonable grounds, that the youth must be held in custody."

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\*The statute uses the term "detention" to mean the taking of custody of a youth whether in physically restrictive or unrestrictive facilities.

*In order to establish a guide to decision-making and assure fair and equal treatment in detention and shelter care, criteria must be established and used statewide to determine if a youth should be detained or sheltered. Section 2 of this chapter will suggest such criteria. The terms "custody" and "taking into custody" must denote as separate from detention and shelter care in order to avoid current confusion in the process.*

Designation of responsibility for detention and shelter care decision-making is another issue of concern raised by this study. In regard to the initial decision-making responsibility for detention, the Youth Court Act addresses the issue as follows:

- (1) Whenever the peace officer believes, on reasonable grounds, that the youth must be held in custody, then the peace officer must notify the probation officer without undue delay. 10-1213(2)
- (2) A youth taken into custody shall not be detained prior to the hearing on the petition except when: ...an order for his detention has been made by the court pursuant to this act. 10-1212
- (3) The probation officer in the conduct of the preliminary inquiry shall: ...(c) determine, if the the youth is in detention or custody, whether such detention or custody should be continued. 10-1209(4)

(1) and (2) indicate that peace officers and the youth court may decide to detain youth and that if a peace officer makes the determination, the probation officer must be notified of the decision "without undue delay". (3) indicates that after the youth has been detained, the probation officer has the discretion to continue the detention or release the youth. The staff of the Bureau of Aftercare have the

authority to order the detention of any youth under the supervision of or in the custody of the Department of Institutions. A survey of chief probation officers in Montana (see Appendix 2 Questionnaire #2) indicated that almost all of the youth courts through their probation offices have taken responsibility for detained youth resulting in consistent detention practices throughout the jurisdiction. The survey indicated that in nine out of the sixteen responding jurisdictions, the probation officers make all of the initial decisions to detain the majority of these initial decisions. *The law should strongly and clearly designate the appropriate detention and shelter decision-making agencies and assign those agencies the responsibility to make such decisions.* The next section of this chapter sets forth this study's recommendations.

### Intake

The Montana Youth Court Act does not specifically establish a 24-hour intake function in Montana's youth courts. Section 10-1209 does address the responsibility of the probation officer at the initial stages of youth court involvement. The survey indicated that in most jurisdictions, the probation office has personnel "on call" after 5:00 p.m. weekdays and over the weekend. This practice benefits the youth, his/her family, and the referring agency which may not have the manpower or expertise to deal with a youth in crisis. However, the probation officer who is "on call" is also responsible for at least five 8-hour days that week.

Probation officers are paid for a salary for a forty-hour week and expected to provide any "after hour" services when necessary, which is quite often. It seems only appropriate that supplemental manpower be available to provide services to youth and their families immediately, in order to address the crisis and possibly divert the youth from detention and maybe further involvement with the youth court. *It is recommended that the provision of 24-hour intake services be available where practical and that the youth courts be funded in a manner to provide the supplemental manpower for such services.*

#### Detention Hearing and Time Limitations

The Youth Court Act allows for "a hearing in order to determine if the circumstances of the case require such custody, and the form the custody should take" upon "petition of the youth, his parents or guardian or his counsel" 10-1216(5). However, it is not required that the youth, his/her parents, or attorney be notified of this procedure.

A youth may be detained for five days prior to the filing of a petition and, if unaware of the right to request a "detention hearing", could be detained for seven days when no court action was anticipated. If a petition is filed, the youth can be detained, awaiting an adjudicatory hearing, until 15 days after summons has been served. There is no maximum time limitation on services of summons. Section 2 of this chapter presents the Steering Committee's recommendations on this issue.



## SECTION 2. DETENTION AND SHELTER CARE DECISION-MAKING PROCESS

For the purposes of this description of the detention and shelter care decision-making process, unless otherwise stated:

- (1) "Detention" is defined as the temporary care of youth in physically restricting facilities pending court action or execution of a court or administrative order.
- (2) "Shelter Care" is defined as the temporary care of youth in physically unrestricting facilities pending court action or execution of a court or administrative order.
- (3) "Assessment" is defined as the investigative and information gathering activities that occur prior to any decision regarding a youth's situation. Assessments include, but are not limited to, interviews with family members, relatives, friends, involved agency personnel, and witnesses, school and behavior reports, and any evaluation of the youth and family.
- (4) "Referral Source(s)" is defined as any one or all of the following agencies or persons who may refer youth to the detention and shelter care system: law enforcement agencies, parents or guardians of the youth involved, school officials, and community youth service organizations.
- (5) "Detention and/or Shelter Care Decision-Maker(s)" is defined as any one or all of the following agencies who are responsible for initial detention and shelter care

decisions for youth: the Department of Social and Rehabilitation Services, the Juvenile Probation Office, the Aftercare Bureau, and/or others as authorized by the youth court.

#### Referral to the Detention and Shelter Care System

There are four types of youth who are likely to become involved in the detention and shelter care system. They are:

- (1) alleged 'youth in need of care'
- (2) alleged 'youth in need of supervision'
- (3) alleged 'delinquent youth'
- (4) alleged 'Aftercare violators'

When a youth's behavior or situation has brought him/her to the attention of one of the primary referral sources, an assessment of the youth and his/her needs should occur. During this initial assessment, the agency or persons involved must consider many factors including whether or not the youth should remain in his/her living situation. A referral for detention or shelter care could be considered if the youth meets the criteria as established in Chapter III, Section 2. If additional criteria are established by the youth court, they should also be considered.

Usually the problematic situation can be alleviated without a change in the youth's place of residence. However, if it is believed that the youth should be held in detention or shelter care after consideration of the above-mentioned criteria, a referral must be made to the appropriate detention and/or shelter care decision-making agency. A

written complaint specifying the allegations and reasons for possible detention or shelter care should accompany or immediately follow the referral.

#### Decision to Detain or Shelter

The agencies responsible for initial detention and shelter care decisions for the various types of youth are:

- (1) local Department of Social and Rehabilitation Services (SRS) through local county welfare personnel for alleged 'youth in need of care';
- (2) local Youth Court personnel for alleged 'youth in need of supervision; and alleged 'delinquency youth'; and,
- (3) Department of Institutions through local Aftercare Bureau personnel for alleged 'Aftercare violators'.

Upon referral from any of the primary referral agencies, the appropriate decision-making agency is responsible for a thorough investigation of the complaint and must again assess the youth's situation. Every attempt must be made to locate the youth's parents or guardian and to include them in the assessment process. The detention and shelter care admission criteria to be established by the youth court along with state-established criteria, will outline the factors to be considered in order to determine if detention or shelter care is necessary. *State-established criteria for detention determination of a youth should consist of these basic factors:*

- (1) *whether there is reasonable cause to believe that the youth*

had committed or was committing an offense. (Gerstein v. Pugh, U.S. Supreme Court)

(2) whether detention is necessary for the safety of the community;

(3) whether there are adequate assurances that the youth would be present for further court or administrative action;

(4) whether the youth is pending transfer to another jurisdiction.

State-established criteria for shelter care determination should consist of these basic factors:

(1) whether the youth and his/her family needs shelter care to address their problematic situation when it is not possible for the youth to remain at home;

(2) whether the youth needs to be protected from physical or emotional harm;

(3) whether the youth needs to be deterred or prevented from immediate repetition of his/her troubling behavior;

(4) whether there is need to shelter in order to assess the youth and his/her environment;

(5) whether there is need for shelter care in order to provide adequate time for case planning and disposition and/or

(6) whether shelter care is necessary to intervene in a crisis situation and provide intensive services/attention that might alleviate the problem and reunite the family.

If release to a responsible adult is not possible and additional supervision of the youth in his/her own home would not be adequate, the least restrictive suitable placement available must be utilized. If a youth is not considered

dangerous to the community or is not awaiting transfer to another jurisdiction, he/she should be placed in shelter care rather than in detention unless evidence is available to justify detention on grounds that he/she may abscond. Previous failure to appear in court and the youth's own testimony regarding his/her anticipated behavior may be considered as supporting evidence. Any youth who appears or is known to have suicidal tendencies or will probably need medical attention due to alcohol or drug abuse must not be detained in a local jail or lock-up, but rather should be immediately referred to a local hospital with appropriate facilities.

The detention and/or shelter care decision-makers have the responsibility to make the actual decision to detain or shelter a youth as well as the resulting type of placement if such action is deemed necessary. Every effort must be made by these agencies to assure that only the most serious alleged offenders are exposed to detention and that youth are separated from their families and homes only when absolutely necessary.

The agencies responsible for initial detention and shelter care decisions should provide 24-hour capability for such decision-making. In larger jurisdictions, such as Judicial Districts #4, #8, and #13 (especially Missoula, Cascade, and Yellowstone Counties), the Department of SRS and the Juvenile Probation Offices could maintain "intake units", staffed with specially qualified personnel. In

smaller jurisdictions or counties, regular agency staff could perform this function. Intake services for initial detention and shelter care decision-making could be made available through:

- (a) intake or regular personnel employed beyond the usual office hours;
- (b) regular personnel "on call";
- (c) written agreements between the detention and/or shelter care decision-making agencies to utilize a centralized intake unit which would be supported by all three agencies;
- (d) some combination of these methods.

*It is recommended that the intake services provided by SRS, Juvenile Probation Offices, and the Bureau of Aftercare include staff who will be physically present (where practical) when a youth is referred for possible detention or shelter care. This is necessary as the intake services should include crisis intervention counseling for the youth and his/her family and allow for possible diversion from the detention/shelter care system.*

#### Petitions

By definition, detention and shelter care placements should occur when court action or transfer to another jurisdiction is anticipated. A petition alleging the youth to be delinquent, in need of supervision, in need of care, or in violation of his/her Aftercare agreement should be filed immediately. If a youth is being held for other reasons,

such as transfer to another jurisdiction, evidence supporting the youth's status should be obtained in order to justify the detention or sheltering of the youth.

In the case of a parental agreement affected by SRS, the agreement shall be considered a petition (for the purposes of this discussion only) and the resulting shelter care shall be considered as a post-dispositional placement. It is urged, however, that the youth voluntarily sign the agreement if the case is not taken before a judge. If the youth is not agreeable to the placement, it should be taken before a district judge for disposition where the youth should be represented by legal counsel. (10-1218)

#### Youth Court Authorization and Review

*If a youth is to be detained for more than 24-hours, an authorization to hold or court order must be obtained from the youth court judge within 24-hours of the initial detention. If the judge is not available, the chief probation officer (or Aftercare Counselor if youth is under Aftercare supervision) may authorize the youth's detention, but must notify the youth court judge of the detention as soon as possible.*

*The authorization to hold should be requested from the probation officer (or Aftercare Counselor) who made the detention decision to detain the youth and should include the following information:*

- (1) the youth's name;*
- (2) the alleged violation;*
- (3) reasons for detention;*

- (4) the date and time of initial detention;
- (5) other placement alternatives investigated;
- (6) date and time of authorization requested;
- (7) probation officer (or Aftercare Counselor) requesting the authorization;
- (8) date and signature of authorization; and,
- (9) evidence of notification of the youth court judge.

#### Detention Hearing

*Any youth detained should be notified immediately of his/her option to petition the court for a hearing on the detention as stated in Section 10-1216(4).*

A youth should be represented by counsel during a detention hearing. If the youth is unable to provide his/her own counsel, counsel should be provided. The youth may waive this provision of counsel as provided in Section 10-1218.

During such hearing the judge should consider if there is reasonable grounds to believe that: 1) the youth committed an offense which (a) would be criminal if he/she were an adult, or (b) would not be criminal if he/she were an adult; or 2) the youth is in violation of an aftercare agreement; or 3) the youth must be detained for transfer to another jurisdiction.

If the judge does not find reasonable grounds as per above, the hearing should be terminated and the youth should be released immediately. However, if the judge does find



reasonable grounds, a determination should be made as to whether a petition alleging the youth to be delinquent, in need of supervision, or alleging some other matter justifying detention or shelter (1) has been filed or (2) will be filed within five days of the time of detention. If filing of such a petition is not intended within five days of the time of detention, the youth should be released. In the case of a youth alleged to have violated his/her Aftercare agreement, a notice of alleged violation must be signed within 24-hours. The filing of a petition is not necessary in the case of transfer to another jurisdiction.

Even though court or administrative action is anticipated, *the judge should determine if it is necessary to continue the detention or shelter care of the youth pending adjudication of the petition.* Considerations for making this determination should include: 1) whether detention or shelter care is necessary for the safety of the youth or the community; 2) whether there is adequate assurances that the youth will be present for further court or administrative action; and 3) if detention or shelter care appears necessary in 1) or 2) above, the least restrictive residential placement available to meet the needs of the youth should be used.

Only those youth who are considered by the judge to be a danger to the community or are likely to abscond prior to further court or administrative action should be ordered to be placed in secure detention. Shelter care may be used to

provide care for all youth meeting the above considerations. If detention or shelter care is found necessary, the judge should order the detention or sheltering of the youth in a specific facility pending court or administrative action or transfer to another jurisdiction.

When the youth is being detained pending an adjudicatory hearing, that hearing should be held within ten (10) days from the date of the detention or shelter care hearing. Delays should be allowed upon application of counsel for the youth and approved by the county attorney. If a youth is detained or sheltered awaiting transfer to another jurisdiction within the state, that transfer should be made without unnecessary delay, and in any case within three (3) days of the time of detention. If the youth is awaiting an interstate transfer, that transfer should be made within 15 days. Any exception must be approved in writing by the youth court judge.

If, at the adjudicatory hearing of a youth being detained or sheltered, the petition is dismissed for any reason, the youth should be released immediately. If the petition is adjudicated and the dispositional hearing is not held immediately following the adjudicatory hearing, the youth court judge should determine the need to continue detention or shelter care pending the dispositional hearing. To make this determination, the youth court judge should use the same considerations which apply to detention pending the adjudicatory hearing. If detention is to continue pending the

dispositional hearing, the dispositional hearing should be held within seven (7) days of the adjudicatory hearing. The judge may extend the time for the dispositional hearing. Considerations for such an extension should be limited to the need for more time for individual and specialized testing or for more time to resolve family difficulties which could result in a more adequate to less restrictive placement upon disposition.

#### Post-Dispositional Detention and Shelter Care

Post-disposition detention or shelter care of a youth awaiting execution of a court or administrative order should be commensurate with or less restrictive than the final disposition, and should be specified in the order. For example, a youth may be continued in detention only if upon disposition he/she is ordered to a physically restricting facility such as a juvenile correctional institution. If the disposition order requires care in any physically unrestricting facility or program, or a return to the youth's home, he/she may be held only in a shelter care facility or program.

Post-dispositional detention of a youth awaiting execution of an order should not exceed three days unless extended by the judge. Post-dispositional care of a youth awaiting execution of an order in a shelter care facility or program may continue for only so long as necessary, but not longer than 30 days unless extended by the judge. Care

of a youth awaiting execution of an order in a shelter care facility or program should be reviewed regularly by the youth court judge to assure that all necessary efforts are being made to carry out the order.

The preceding proposal is intended to afford Montana's youth consistency and due process throughout one of the most traumatic stages of the juvenile justice system (JJS). It is not meant to further bureaucratize or overburden the JJS. Hopefully, the establishment of a specific process, identification of criteria, and assurance of due process to Montana youth involved in this critical stage will provide more benefits to the youth and the communities than "bureaucratic red tape" to the juvenile justice system. Parens patriae is still valid and is meant to continue to exist within the above proposal.

## CHAPTER V

### FACILITIES AND SERVICES

#### SECTION 1. OVERVIEW

Detention care is provided primarily by county jails throughout Montana. Shelter care is most often provided through use of a few foster homes, while six communities have "receiving homes" (shelter facilities for youth from infancy through teens) or "attention homes" (short-term group homes for teens), available. There are no facilities in Montana which are used exclusively for the care of youth pending court action or execution of a court or administrative order.

#### Detention

The case against the use of jails for children rests on the fact that youngsters of juvenile court age are still in the process of development and are still subject to change however large they may be physically or however sophisticated their behavior. To place them behind bars at a time when the whole world seems to turn against them and belief in themselves is shattered or distorted merely confirms the criminal role in which they see themselves. Jailing delinquent youngsters plays directly into their hands by giving them delinquency status among their peers. If they resent being treated like confirmed adult criminals, they may - and often do - strike back violently against society after their release. The public tends to ignore the fact that every youngster placed behind bars will return to the society which placed him there. (NCCD, 1961, p. 3)

In 1975, 3,434 offenses resulted in detention in county jails in Montana (Chapter II, Section 2). There is no question

that secure custody is necessary for some youth since communities have the right to immediate protection, and the youth court must have assurances of appearance if its obligations are to be carried out. Other jurisdictions, moreover, have the right to have youth held pending transfer back to their original court of jurisdiction.

However, many of these youth have been detained in county jails because there are no other alternatives available for temporary care in most communities. Youth who have committed status offenses (i.e., runaway, incorrigible, curfew, unsupervised, and truancy), account for a large number of the youth detained in 1975 (Chapter II, Section 2). A few youth in need of care, often referred to as dependent and neglected, were reportedly detained in jail in 1974 (MBCC statistics) and in 1975 (reported in a county jail roster) in spite of the distinct prohibition against such action in the Montana Youth Court Act of 1974 (10-1214).

A 1971 Jail Survey, completed by the Governor's Crime Control Commission (now the Board of Crime Control) revealed that little or nothing has been done to upgrade most detention facilities in Montana since their original construction. Transcripts from the "Hearings before the Subcommittee to Investigate Juvenile Delinquency" of the Ninety-Third Congress states that the Montana Jail Survey "highlights the inadequate physical conditions of nearly every jail in that state. Furthermore, these conditions tended on the average to be even worse for juveniles because only a relatively small propor-

tion of the total jail population in that state consisted of juveniles."

Since the completion of the 1971 study, however, there have been some improvements. The following counties and towns have constructed or remodeled their facilities: Toole County, Livingston, Park County, Ravalli County, Browning (juvenile facility for the reservation), Beaverhead County, Butte, Flathead County, Custer County, and Wolf Point/Roosevelt County. Planning construction or remodeling of jail facilities is constant; however, lack of financial resources is also constant. In those jail facilities which have been recently constructed or remodeled, little has been done to improve the detention services available to youth during their incarceration. The following conditions have been noted in some of the county jails in Montana, whether old or new:

- youth often have contact with adult prisoners during the booking procedure;
- youth can freely converse with adult prisoners
- youth are often served meals by adult prisoners (trustees);
- recreational and educational activities are non-existent;
- some juvenile quarters are without showers;
- medical examinations are not routine;
- jail personnel are usually not specifically trained to deal with incarcerated youth who are generally in crisis and in need of attention as well as security; and

- in some jails matrons are called in to search the female juvenile prisoners, but do not always remain at the facility to supervise and monitor the prisoner (this results in either no supervision or supervision of juvenile females by male jail personnel).

*This study supports and urges the remedy of these conditions so that necessary secure custody of youth may be available in commonly acceptable circumstances.*

#### Availability and Costs

1. Detention - Each county maintains a county jail facility which is of no cost to the juvenile justice system when utilized for the detention of youth. However, some of the smaller facilities lack juvenile quarters. Only a few communities have developed shelter care facilities or programs such as receiving homes, foster homes, or Attention Homes. Placement of youth in such shelter care facilities or programs, if available, costs the placing agency \$3 per youth day to \$8.50 per youth day.

County jails do levy a charge for their services for "outside agencies," such as Federal Probation and Parole, Immigration, and other jurisdictions. This charge is usually \$5 per day, which, according to a sample of budgets and costs of Montana jails (see Appendix 3), is not an accurate reflection of the actual cost of secure detention for adults or juveniles. The cost obtained from sampling small to large county jails ranges from \$7.22 per prisoner day to \$35.28



per prisoner day, with an average of \$16.59 per prisoner day. These costs do not include expenses such as facility space, fringe benefits, uniforms, and other miscellaneous expenses.

2. Shelter Care Programs and Facilities - These programs are usually considered supplemental to the juvenile justice system and the use of county jails. Most established shelter care services exist outside of the juvenile justice system and are operated by private non-profit organizations. Donations, federal funds, and "custody payments" contribute to the operations of the various programs. The youth courts, the Department of Institutions, and SRS must pay for placement of youth in these programs. Very often, severe budget limitations exist and the result is youth being detained in county jails when security is not necessary. Agencies' budgetary constraints also prohibit shelter care programs from charging for the actual cost of care. Therefore, monies must constantly be "hustled" by the non-profit corporations to supplement custody payments. Because of competition for community resources from services organizations, United Way, private citizens, foundations, and federal sources, many shelter care programs fade away or are never developed when needed.

The only shelter care programs presently available to SRS, Institutions and youth courts are:

- (1) three receiving homes, located in Ronan, Billings, and Great Falls, operated by community-based, private non-profit

organizations, licensed for temporary care of infants through teenagers;

- (2) three established "Attention Home" programs located in Butte, Anaconda, and Helena and one being developed in Missoula, providing temporary care of teenage youth for up to 90 days;
- (3) a voluntary foster home program, located in Billings, operated with federal funds, for the exclusive short-term care of runaways;
- (4) a shelter facility in Great Falls for runaways; and,
- (5) a few foster homes scattered around the state, licensed by SRS to provide emergency care for teenagers.

Due to the crisis situation of a youth in need of shelter and the need for immediate, intensive attention for these youth, adequacy of care in these facilities is very important to the agencies responsible for the youth.

Receiving homes provide care for all children from infants and pre-schoolers on up. These facilities cannot be expected at their present level of funding and staffing to provide for the immediate needs of sheltered youth in crisis. Licensed capacities and charges for these programs at present are: 1) Ronan, 12 beds at \$5 per youth day; 2) Billings, 28 beds at \$6.37 per youth day; and, 3) Great Falls, 15 beds at \$7.33 per youth day (see Appendix 11).

The three Attention Homes in the state are licensed to provide care for 8 to 12 teenage youth. These programs were initiated with federal funds requiring local matching monies

and must, within 3 years, be totally supported locally. These facilities provide:

- (1) an alternative to detention;
- (2) time for the youth and family to make adjustments with the assistance of a counselor from SRS, Aftercare, or the youth courts; and/or
- (3) case planning time to encourage more adequate long-term placements of youth.

These shelter facilities are staffed by live-in houseparents, relief houseparents, and a director or administrator. Support services for the youth are primarily obtained through the placing agency. (In Anaconda, the facility obtains additional supportive services from the community at large.) The charges, to the placing agencies, for temporary care of youth in these Attention Homes range from \$6 per day to \$6.75 per day. However, actual costs run approximately \$16.00 per day. All of these programs also provide care for runaways under the Runaway Youth Act which provides additional funds for such services (see Appendix 11 for budgets).

The voluntary foster home program in Billings, called "Tumbleweed", offers temporary residential services for runaways in the Billings area. The foster homes, numbering less than ten, receive no payment for their services. The administrator of the program is supported with federal Runaway Youth Act funds. The intake function is provided by the local youth court intake staff.

The few foster homes in Montana used for shelter care of teenage youth are usually licensed and supported by SRS. Some youth courts have recruited a few local families to provide this service for the court and are approved and supported by the court. The charge for temporary foster home care is usually \$5 per day; however, some courts pay as high as \$8 per day. The primary reasons for the lack of this resource is that: (1) the youth in need of this service does not readily adjust to the family situation and needs more attention than the normal family is able to provide; (2) the financial and casework support is not adequate due to budget limitations and staff caseloads; and, (3) so few families are available as compared to the need and conditions that exist. The result is a high foster family turnover.

## SECTION 2: RECOMMENDED TYPES AND DEFINITIONS OF DETENTION AND SHELTER CARE FACILITIES

This section offers proposed solutions to the following problems:

- 1) lack of immediate screening and intake to the detention and shelter care system;
- 2) lack of adequate alternatives to detention;
- 3) lack of detention services for youth which provide visual and physical separation from adult offenders.

Also of primary concern is the access to technical assistance for the planning, development, and establishment of such programs at the state and local levels.

### Establishment of 24-hour Intake Services

To suddenly separate a growing youngster from his roots in the community, however unstable these roots may be, is a serious matter. Ultimate responsibility for detention rests with the court, which must take the initiative for developing sound and consistent policies. Where two or more (referral) agencies operate within a single court jurisdiction and have widely differing referral and detention practices, court initiative in controlling detention admissions, both before and after court hours, is especially important. (NCCD, 1961)

The effectiveness of the court's control over detention and shelter care depends not on petition filing procedures, preliminary hearings, or orders to "hold" or release -- checks that are necessary but that usually occur after the youth has already been detained or sheltered -- but rather on prompt

intake service at the point of police referral for detention.  
The court's obligation and commitment to effective detention  
intake control during and after regular working hours is  
crucial.

*The proposed detention and shelter care system is dependent upon quality 24-hour intake and decision-making capabilities in order to divert as many youth as possible from the detention and shelter care system and that experience.*

In Chapter III, it was proposed that the youth court SRS, and Institutions be given full responsibility for the initial detention and/or shelter care decision for youth as follows:

- 1) alleged 'youth in need of care' - SRS through local county welfare services;
- 2) alleged 'youth in need of supervision' and alleged 'delinquent youth' - the youth courts,
- 3) alleged 'Aftercare violators' - the Bureau of Aftercare through its local counselors.

In order to make all initial detention and shelter care decisions, *these agencies should provide staff accessibility on a 24-hour basis as most youth are presently detained or sheltered after regular working hours, on weekends, or holidays.* Many communities already have such services available.

Intake services should be formally organized to receive and screen all youth referred by police, public and private agencies, parents, and other sources. The objective of such services should be to divert as many youth as possible from

the juvenile justice system and formal processing and refer for court action only those for whom such action is deemed necessary. Intake services should function in close cooperation with other private and public agencies, such as private and public youth, family, and mental health services. Finally intake services should be able to purchase needed services, including alternatives to detention.

### Intake Methods

There are two methods of assuring 24-hour capability for detention and shelter care decision-making.

*First, recommended for the larger jurisdictions centered in Billings, Great Falls, and Missoula, is the provision of specialized intake personnel to be on duty 24-hours a day, seven days a week.* This staff would be the "gate-keepers" of the youth court and the detention and shelter care system. In these larger jurisdictions, the three responsible agencies -- youth court SRS, and Aftercare -- handle large numbers of youth in trouble, should consider a coordinated effort to provide 24 hour intake. Financial support for a cooperative intake unit could be shared and, therefore, be much more economical than providing three separate intake functions. With a cooperative intake unit, more highly qualified staff could be "purchased" by the pooling of resources. The employment of separate intake staff after regular work hours is recommended for, but not limited to, the large jurisdictions.

The second method is that staff be "on call" at all hours to screen detention and shelter care referrals and to make appropriate decisions. These staff should be responsible for being physically present when possible with the referral agencies, the youth, his/her parents, and anyone else involved in the case to assess the situation. Using state established criteria and additional criteria developed by the youth court, the intake staff are responsible for making the initial decision to detain and shelter the youth, as well as those related decisions previously discussed in this section.

A combination of these methods might satisfy individual jurisdiction's unique situations. It is strongly urged that the critical detention or shelter care decision not be made simply on the basis of a telephone conversation. The intake staff should be physically present to adequately assess the situation and the detention and shelter care system whenever possible. However, intake units should not act as a substitute for "station house adjustments" performed by law enforcement.

#### Recommended Shelter Care Facilities and Services

*The recommended types of shelter care fall into four categories:*

- 1) Home Supervision means providing the youth and his/her family with additional supervision and support while the youth remains in his/her own home. This alternative is designed to avoid separating the



youth from his/her normal environment as would be the case through regular shelter care. Home supervision can be intensive and provided by a paraprofessional who is in constant contact with the youth. It can also be minimal and provided by a paraprofessional who contacts the youth and family several times per day and who supervises no more than five youth in this manner. Massachusetts and Missouri are forerunners in such types of service (see Appendix 5). *Three pilot home supervision programs are recommended by this plan, although other communities may certainly provide such services through contracts and use of the recommended payment for purchasing such services (see Section 3 of this Chapter).*

- 2) Emergency Shelter Care is temporary care provided by individuals or families in their own homes. Emergency shelter care varies in degree of supervision from the traditional foster care in a family to the "proctor" type of care provided by a single person who provides 24-hour supervision of a youth in the proctor's home (see Appendix 6).
- 3) Shelter Facilities are residential group facilities which provide shelter care for not more than 12 youth. These can range from the smaller group shelter facilities housing four to six youth up to larger, twelve bed units. Staffing ranges from live-in

houseparents, support staff, and professional counselors to around-the-clock awake supervision with personnel on a shift basis. It is strongly suggested that creative use be made of staff in order to provide all-night supervision or closely approximated shift staff capabilities.

- 4) Institutional Shelter means facilities which provide care for more than 12 youth but less than 20 youth, such as Montana's "receiving homes." This type of shelter care is only conditionally recommended due to the size of the facilities involved and the varieties of youth served. It is believed that teenage youth in need of shelter care could be more adequately served in smaller numbers with more staff supervision and attention.

Due to the nature and size of Montana and our need for shelter care services, it is recommended that:

- shelter facilities should be developed in each of the larger jurisdictions to serve as large a geographic area as practical;
- home supervision programs be developed in all jurisdictions where practical;
- emergency shelter care, particularly the "proctor" type, be adapted throughout all Montana jurisdictions;

- wherever practical, shelter care services should be available to the more rural areas; and
- budgets for transportation of youth be expanded to allow utilization of shelter care services in neighboring communities.

### Cautions

It should be noted that shelter care services as alternative programs should not be instituted without attention first being given to the control of intake and the establishment of appropriate criteria to govern the detention and shelter care decision. Another potential dysfunctional consequence that should be avoided is a longer length of stay for youth in alternative shelter care facilities than for those youth detained in secure facilities. One of the existing shelter care facilities has an average length of stay of 20.7 days while the state average length of stay in detention is 2.6 days. Use of alternative shelter care programs for youth who would not ordinarily be detained or formally processed by the court are very common elsewhere and must be consciously avoided in Montana.

### Purchase of Services for Shelter Care

It is recommended that SRS, youth courts and Aftercare be financially able to purchase shelter care services for the youth under their supervision when needed. Each agency should be able to purchase shelter care services at actual cost of

such services. Hopefully, these agencies will then become advocates for services for their youth and would be given more opportunity to be creative in providing for the youth's needs. By virtue of their improved financial capabilities, the agencies could promote any type of shelter care services felt necessary.

These agencies would have the financial capability to encourage and purchase shelter care in individual homes, shelter facilities, or in the natural family home with additional supervision and support for the youth and family. Any other types of variations of existing programs could be developed in the local communities. If the community is not large enough to maintain a 12-bed shelter facility for example, the agencies might negotiate a smaller shelter program utilizing a family. It might also be possible to keep families on a retainer so that they would be readily available to provide emergency shelter care. Any number of combinations is possible and creativity is to be encouraged. Technical assistance should be made available from the state level through the Departments of Social and Rehabilitation Services and Institutions and contracts.

It is possible with an actual cost purchase-of-service agreement that a community could initiate a shelter care program using a minimal amount of community funds. Another result of a purchase-of-service shelter care system is that no bureaucracy will be initiated at a state level to provide such care and dysfunctional programs will not survive if the

needs of the agencies and youth are not being served. *It is recommended that SRS, the youth courts, and the Department of Institutions be responsible to provide adequate care for their youth and that those agencies be provided by the state with the capability to purchase those services in their communities.* It is assumed that if adequate funding were available at a local level that these agencies would be able to negotiate for necessary services in their communities and lack of availability will disappear.

#### Staff Development

*It is recommended that resources for staff development and support be made available to all shelter care projects, programs, and/or service providers. These funds should most likely be routed through the Youth Justice Council which is responsible for Child and Youth Development Bureau/Board of Crime Control joint youth service planning efforts. Federal monies could be utilized to initiate staff development activities and the Youth Justice Council could then provide for coordination and avoid duplication of efforts and expenditures by SRS, Department of Institutions and the Supreme Court.*

Staff development activities should be supported by state government where necessary resources exist, with a staff development allocation providing supplemental, presently non-existent, resources to Montana's shelter care service providers.

## Detention

The value of a detention home to the child, the court, and the community is questionable if it is considered merely a place to "put" children. If it is improperly staffed and is little more than a children's jail. Children cannot be stored without deterioration unless program and staff are provided to make the experience a constructive one. (NCCD, 1961)

Unfortunately, all that Montana has to provide detention to our youth are county jails which offer only security and knowledge of the whereabouts of the youth. There are several types of detention programs in existence in the nation:

- 1) Detention centers offer secure custody, as well as a full program of activities, both indoor and outdoor, individual guidance through social casework and social group work, and observation and study. These facilities are used exclusively for the detention of youth and separate from any adult facility. These centers are usually located in large communities as the economic feasibility dictates that the minimum capacity be at least twenty (20) beds ("Think Twice Before You Build or Enlarge a Detention Center", NCCD, 1968).
- 2) Jail Detention is the type of detention which exists in Montana today. Recreational and educational activities are not usually available. Counseling support is available only through the supervising agency's existing staff.

- 3) Hospital detention includes security and appropriate services for those youth who are a danger to themselves through attempted suicide, drug abuse, alcohol abuse, or some other self-destructive tendencies and require detention. These services do exist in a few of the larger Montana communities through use of the local hospital's psychiatric ward. Jailing a youth to protect him/her is inappropriate given the conditions for youth in adult jails. It is difficult to understand why self-destructive acts should ever be a basis for detention in jail. Hospitals and emergency clinics are far more appropriate referral agencies for youth who are a threat to themselves.

According to consultations with the National Clearinghouse for Criminal Justice Planning and Architecture, Montana's detention population is too small to consider the development of regional detention centers. In 1975, there were 9,019.5 days of detention in Montana (Chapter II, Section I). This results in a statewide average daily population in detention of 24.7. If proper intake services were made available along with all the other recommended procedural changes and alternative shelter care services, the number of detention days should decrease substantially. Three to five 5-bed regional detention centers are not economically feasible. The National Clearinghouse quotes the following cost figures for detention facility construction:

New construction costs for small detention facilities is \$55/sq. ft. at a recommended 400 to 500 sq. ft. per bed for total facility space. (February, 1976)

- This includes support services such as kitchen, dining space, administration services, multipurpose areas, and adequate intake and recreational services.

This results in an estimated cost for new construction of a small detention center of \$22,000 per bed.

*It is recommended that Montana initiate the proposed legal, procedural, administrative, and alternative program suggestions prior to any attempt to construct a new detention center at this time.*

As an alternative to creating detention centers in Montana, it is suggested that the larger county jails in areas of population concentrations be improved to provide total separation - physical and visual - of youth from adults. Educational and recreational activities could be supplemented with clinical services when practical. If improved jail facilities were located throughout the state, it may be practical for some smaller communities to utilize these facilities through a "contract for services" agreement.

In addition to the improvement of several larger county jail facilities so that youth can receive adequate, constructive detention care, it is recommended that the small facilities be provided with adequate overnight detention capabilities. This could be achieved through the remodeling of a room for one or two youth for not more than 24 hours. It would have



toilet facilities as well as a sofa type couch. A large plexiglass window would allow constant supervision from the desk sergeant or dispatcher. When not in use, the holding room could be used as a waiting, reception, or interrogation room (see Appendix 7). According to the National Clearinghouse, the remodeling costs would average \$3,500, depending on the type of construction of the original building.

### Diagnosis and Evaluation

A few years ago, the youth courts in Montana were in need of a resource to "diagnos and evaluate" youth who were brought before them. The decision makers felt the need for professional consultation in order to make just and appropriate dispositions for youth involved in the juvenile justice system. Evaluation and diagnostic services were developed at Pine Hills School for Boys (Miles City) and Mountain View School for Girls (Helena). Statutory changes allowed the courts to commit youth to those two state youth correctional institutions for 45 days for diagnostic and evaluative services.

Because this 45 day evaluation involves secure care and often occurs prior to the youth's disposition, the Steering Committee concerned itself with this issue. Although youth courts are satisfied with the 45 day evaluation, it appears obvious that *diagnosis and evaluation services should also be available in local communities*. There are youth who are in need of diagnostic and evaluation services who also do

not require institutional care while receiving those services. To date, mental health services have not been completely cooperative or effective in meeting the needs of local youth courts.

One option might be that diagnostic and evaluation teams be developed by local mental health services in Great Falls, Missoula, and Billings. These teams could have contractual agreements with the youth courts and other youth-serving agencies in the surrounding area to conduct the appropriate investigative activities in the youth's own community. The total evaluation and diagnosis might be completed in possibly ten days with two to four specially trained staff members. The youth could then remain in his/her own home, be sheltered, or detained during this period. The length of stay would be shorter than 45 days and family ties might not be severed.

Another advantage of community-based diagnosis and evaluation services is that Pine Hills School and Mountain View School would be able to provide more intensive services to the more serious offenders who have been committed to those institutions after all community resources have been exhausted.

Montana's mental health services should certainly want to be responsive to the evaluation and diagnostic needs of their communities and the state. Utah has established responsive services to juvenile courts through its mental health services. (See Appendix 8 for a description of Utah's program.)

This plan does not include a budgetary explanation of costs to provide such services, but does strongly suggest that the mental health services of Montana explore the feasibility of such an approach.

#### Detention and Shelter Care System Development and Management

The State of Montana should assume the responsibility of providing adequate shelter and detention services for its youth. This can be achieved through the Department of Social and Rehabilitation Services, the Department of Institutions, and the Supreme Court. In Chapter IV, it was recommended that these agencies, through their local personnel have the responsibility for the initial decision-making and placement of youth needing shelter or detention services, with review and monitoring of the district court. It is proposed that this responsibility be carried to the state level for full responsibility. With the exception of the Supreme Court, each of these agencies has the manpower capability to achieve this end. It is assumed that the Supreme Court will, in the near future, provide administrative support to Montana's youth courts. The responsibilities of such a Youth Court Administrator as presently proposed is described in Appendix 10.

Due to the complexity and development needs of initiating the system described in this plan, it is proposed that a management staff be provided for the first two years.

This detention and shelter care project staff would be responsible for the following Phase I activities:

- 1) assist in the development of an information system in cooperation with the responsible agencies, SRS, Department of Institutions, and the Supreme Court;
- 2) assist in the development of data gathering procedures and report formats;
- 3) analyze the existing information systems in regard to feasibility of adapting those systems to the new informational needs;
- 4) coordinate the development and establishment of the shelter care, detention, intake and procedural recommendations described by this plan;
- 5) monitor program goals and objectives;
- 6) evaluate programs and procedural impact;
- 7) assure a more adequate informational base in order to more accurately project system and service needs;
- 8) assure necessary technical assistance for all activities described in this plan;
- 9) assist the responsible agencies in establishing standards of care and licensing standards and procedures;
- 10) investigate enforcement procedures for standards of both detention and shelter care services;
- 11) develop procedures for distribution and accountability of any monies appropriated or received to provide shelter care to Montana youth;
- 12) investigate the various methods of providing adequate shelter care for those youth who are in need of such care, but who are not involved with the youth courts or the Departments of SRS and Institutions; and,
- 13) in two years, provide the responsible agencies with an established detention and shelter care system which is operational with only needs for maintenance and monitoring.

Two years after legislative approval, it is proposed that the detention and shelter care system will be operational and the project staff created to accomplish the Phase I activities mentioned above will be dysfunctional and disbanded. At that time, SRS, the Department of Institutions, and the Supreme Court will assume management and maintenance of the system with no additional staff requirements presently foreseen.

These agencies will then have the following responsibilities:

- 1) updating of licensing standards and procedures for all shelter care services providing for youth under the supervision of that agency;
- 2) responsibility to license programs which comply with established standards;
- 3) maintenance, data collection, and annually reporting of detention and shelter care data as established in Phase I activities;
- 4) periodic inspection and monitoring of all facilities including county jails with recommendations for improvement of services;
- 5) providing technical assistance to shelter care, detention, and intake services;
- 6) providing input to the planning and development activities for youth services of the Youth Justice Council, Child and Youth Development Bureau, and the Board of Crime Control;
- 7) providing the legislature with the necessary information to appropriate adequate funds for purchase of shelter care services; and,
- 8) administer the purchase of service funds in an efficient manner.

With the provision for a Youth Court Administrator, each of the three agencies will have the capability to fulfill

their responsibilities as outlined. The funds for purchase of services for youth served should be appropriated by the legislature from the General Fund and should operate similar to a voucher system. As far as the accountabilities outlined are concerned, both SRS and the Department of Institutions have information systems and programmers to achieve the goals set out. The Supreme Court does not presently have an information system; however, the Board of Crime Control is developing a juvenile information system for the youth courts of Montana which will be housed in the Supreme Court as soon as maintenance capabilities are developed in that agency.

The enforcement of standards for shelter care and detention is critical. Montana youth should benefit from quality care, regardless of local politics, lack of manpower, or bureaucratic red tape. The Department of Health and Environmental Sciences has the responsibility to inspect and recommend necessary changes in local jail facilities, however, the authority to enforce the standards or recommendations is not included in the assignment of that responsibility. Shelter care services must reapply for a license from SRS each year, but only facility standards are at issue during such licensing. It is proposed the program and the facility standards are developed by the project management staff, the Departments of SRS and Institutions, and the Supreme Court. With few exceptions, all youth who will receive the benefit of shelter care and detention services will have been involved in a court proceeding. The Supreme Court, therefore, is the most

obvious choice for enforcement of shelter care and detention standards.

#### Intended Affects of the Proposed System

It is suggested that these provisions would create a shelter and detention system which is more responsive to the needs of youth as perceived by the agencies responsible for their care. The services would be provided by non-profit corporations on a community level. The per diem payments would be commensurate to the actual cost per day for purchased services and would, therefore, maintain desirable services for youth. Except for "start-up" costs and "closure-reopen" costs, shelter and detention programs would be able to maintain their services on per diem payments.

These provisions would also create advocates for services for youth (SRS, Department of Institutions, and youth courts) who could buy necessary services and not utilize inadequate services just because "those are the only services available". Funds would be available through the Youth Justice Council for "start-up" costs for new or improved adequate care and per diem payments from agencies purchasing care at a level actual cost of services would maintain a desirable program.

The Youth Justice Council could also be responsive to supplementing already available technical assistance to plan, develop, and establish shelter and detention services.

### Example

In community "X" it is felt by the youth serving agencies that a shelter facility is needed for youth awaiting their hearings. A private, non-profit group or any of the youth serving agencies must develop a plan to meet the stated needs of youth to be involved. State-level technical assistance in the planning and development stages would then be provided by the agencies involved. This could be supplemented by purchased technical assistance through the Youth Justice Council. The plan must be approved by any one or all of the three responsible agencies and submitted to the Youth Justice Council for funding of "start-up" costs if such funds are necessary. If approved, the funds would be channeled through the responsible agencies to be used to purchase shelter and detention services for youth in that community (or surrounding area).

The applicant corporation or agency would have to be licensed by the agencies who will utilize the service. Each agency would be responsible for the type of care its youth receive. If the facility does not provide adequate care and the agencies do not place youth in that program, the program will fold for lack of funds. If the program is indeed responsive to the needs of the youth, the agency, and the community, the program will be able to maintain itself and maybe improve its services on the per diem payments from the first year of operation (when it was operating on grant funds).



## Comments

Purchase of services from non-profit community organizations by responsible agencies will alleviate the initiation of a shelter and detention bureaucracy which would be impossible to dismantle if ineffective or inadequate. With the purchase of services and separate licensing which includes program and service content rather than facility standards, programs will be responsive to non-existent. The state will not be operating programs which are free to the agency, costly to the taxpayer, and unresponsive to the needs of youth.

One must be cautious, however, with purchase of services on a youth-day basis, as some programs may tend to keep youth longer in the program than is justifiable in order to obtain funds. Safeguards must be established to avoid this dysfunctional, and many times tragic, occurrence. The decision to release the youth from the program must lie with the placing agency, not with the service providers.

### SECTION 3: PROGRAM PLAN

This plan for the improvement of detention and shelter care services as described in the previous chapters was created to achieve certain goals. Some of these goals which require program development and possible supplemental funding are:

- increased assessibility and quality in detention and shelter care decision making.
- reduction in the number of youth detained in Montana jails, especially status offenders whose behavior does not pose a threat to the public.
- provision for meeting needs of youth as alternative to jail detention, for youth who need shelter care services, and for capacity building of the system.
- provision for youth who can remain at home if given additional supervision as an alternative to shelter care placement.
- establishment of a purchase of service concept at a level of actual costs of providing such care in order to allow agency personnel to advocate and purchase for adequate services for youth in need.
- jail remodeling in order to achieve visual, and physical separation of youth from adult offenders and to provide more humane detention of youth who do not require pre-dispositional care.
- development and maintenance of an informations system which will inform the State of Montana in regard to detention and shelter care and which will provide data necessary for the continuous evaluation of the system.
- establishment of system development and management support to implement this plan during the next biennium, and

- development of system maintenance capabilities within SRS, Department of Institutions and the Montana Supreme Court.

The following are justifications with goals, objectives, and results intended. *The financial resources available for support of this plan are state appropriation; Title XX monies through the Department of SRS, and JJDPa monies through the Board of Crime Control and the Youth Justice Council. It is suggested that the State of Montana become responsive to the needs of its youth and support adequate services. Federal funds should be utilized for specific purposes which are short-term in nature, such as jail remodeling and start-up costs for Attention Homes. Local matching funds might only be required on local program start-ups, such as Attention Homes and home supervision pilot programs. It is recommended that shelter care as defined and proposed in this plan be supported by state funds and certainly, maintained through state appropriation to the proper state department.*

The data used to project proposed budgetary expenditures has some limitations. All of the juvenile information in regard to length of detention, number of youth detained, number of detention days, and number of youth referred to youth courts was compiled from the juvenile information reported by the youth courts to the Board of Crime Control. Supplemental data was gathered by the project coordinator where information was obviously inaccurate. The figures to be used to project need for shelter care are being gathered

through the use of surveys (Appendix 9) responded to by line staff of the youth courts, Department of SRS, and the After-care Bureau. Only responses from questionnaire number two were received at the time of printing this document. A complete statement of shelter care need and the resulting costs will be included in the Budget Adendum to be printed by November 30, 1976.

The recommendations for jail remodeling expenditures are proposed with the assumption that the National Clearinghouse for Criminal Justice Planning and Architecture be requested for consultation on the remodeling plan of each facility.

#### 1. Intake

##### Assumptions:

- 1) Probation office staff who presently provide 40-60 hours of regular services should not be expected to respond to all of the intake needs twenty-four hours a day, seven days a week.
- 2) Specialized intake personnel will make more appropriate detention and shelter care determinations than multi-focus personnel.
- 3) Intake personnel should be physically present to assess the need for detention or shelter care and should offer intervention counseling.
- 4) Local governmental units do not have the funds to provide such services to its youth.

- 5) Screening the referral into an agency for services is the responsibility of that agency.
- 6) Oftentimes, separation of a youth from his/her family in a time of crisis can be very detrimental to immediate solution of the problem.

Goal:

To increase the availability of and improve the quality of pre-dispositional decision-making at the time of crisis.

Objectives:

To provide 24-hour intake capabilities statewide.

To reduce the rate of detention to the nationally recommended level (10% of apprehensions).

To determine the level of Montana's need for shelter care.

Implementation:

- 1) 3 two-staff intake units in Yellowstone, Cascade, and Missoula Counties.
- 2) To provide adequate funding for contracted personnel to perform intake duties at the hourly rate of \$10 in the remaining counties.
- 3) Staff development and training should be developed by the Department of Institutions, SRS, and the Supreme Court. Funds should be made available through the Youth Justice Council with JJPDA monies.

See Budget Adendum for proposed costs.

Consequences if not approved:

- scattered divergent "system" of decision-making and responsibility
- unnecessary detention and shelter care at a higher cost
- overbuilding of the present system

## 2. Shelter Care

Assumptions:

- 1) Youth who need shelter care are often detained in county jails due to lack of availability of adequate shelter care services.
- 2) Youth who need shelter care are sometimes inappropriately placed due to lack of adequate shelter care services.
- 3) Youth who need additional supervision pending court action or administrative order are sheltered rather than left at home due to lack of manpower necessary to provide intensive supervision.
- 4) Adequate shelter care services are difficult to develop, maintain, and utilize due to lack of funds at the state and local level of government.
- 5) Shelter care providers must spend an excessive amount of staff time obtaining funding as agencies provide only token "custody payments," only a fraction of the actual costs for such services.

- 6) The average length of stay in shelter should be reduced with the establishment of the recommended detention and shelter care process.
- 7) The jail population (of youth) can be reduced with the provision of adequate, available shelter care services.
- 8) The number of youth in need of shelter can be computed by stated needs of the field staff of SRS, Department of Institutions, and youth courts.

Goal:

To increase the availability of adequate shelter care services for all youth in need of such services through a purchase of service system based on actual cost.

Objectives:

To reduce the number of youth detention days.

To provide adequate shelter care for youth who need such services.

To provide additional supervision for youth in need of such services in order to remain in their own homes or avoid detention.

To initiate additional Attention Home programs.

Implementation:

(The actual cost for one youth care day in an Attention Home ranges from \$14.00 to \$18.00 and for all other shelter care the range is from \$5.00 to \$10.00.)

- 1) provide shelter care services for a portion of the youth presently detained in jails.
- 2) provide state funding for shelter care of those youth who are in need of such services as identified by the responsible agencies.
  - a) youth courts
  - b) County social services workers (SRS)
  - c) Aftercare counselors

Questionnaire #1 resulted in a statement of shelter care need for 556 youth (approximately 60% response). The average length of stay was not reported. Questionnaire #2 will provide more specific data, such as the number of youth needing Attention Home placement and the number of youth needing other shelter care placements. The number of anticipated youth care days will also be reported. This information will be used to project a budget figure in the Budget Addendum.

- 3) initiate additional Attention Homes in Billings and Great Falls by a funding formula being developed by the Board of Crime Control.
- 4) initiate three pilot home supervision programs in Billings, Great Falls, and Missoula by providing a 6-month grant to the youth courts for the salary of one home supervisor in each community.
- 5) provide staff development for all personnel involved in direct shelter care services.



See Budget Adendum for implementation and maintenance costs.

Consequences if not approved:

- continuation of over-detention and excessive numbers of status offenders being detained
- continuation of a lack of shelter care services available to Montana youth
- lack of funding capabilities to initiate shelter care programs
- continual funding problems for community based services

### 3. Jail Remodeling

Assumptions:

- 1) Youth should be separated (visual and physical) from adult offenders in order to reduce negative influences on those youth.
- 2) Rural counties should have adequate appropriate space for occasional detention of youth.
- 3) Montana should not build detention centers for its youth at this time as the need is not indicated and is not economically feasible.
- 4) Larger communities should have improved jail facilities to provide necessary detention.

Goal:

To provide total separation of youth from adult offenders in every county jail facility in Montana.

Objective:

To remodel the larger, more centrally located county jail facilities to provide separation within those facilities.

To remodel small, rural jail facilities to provide a secure, separate room for detention of youth where practical.

Implementation:

- 1) To remodel the following county jail facilities to provide quality visual and physical separation:

Yellowstone	Silver Bow
Missoula	Lewis & Clark
Cascade	Hill
Flathead	Custer
Gallatin	

- 2) To remodel small county jails to provide a secure, separate room for the detention of youth.

See Budget Addendum for proposed costs.

Consequences if not approved:

- youth will continue to have contact with adult offenders while detained
- small county jails will not be able to provide secure detention for youth when necessary
- building of detention centers at this time could result in overuse of detention and an increased length of stay in detention.

#### 4. Detention and Shelter Care Project Management

##### Assumptions:

- 1) The proposed detention and shelter care plan requires short-term systems design, development, and management.
- 2) Baseline data must be obtained and an information system must be developed and operational within two years.
- 3) One of the responsible agencies, namely the Supreme Court, does not presently have such capabilities.
- 4) Once the detention and shelter care system is designed and developed, the Departments of SRS and Institutions and the Supreme Court will be able to maintain and operate the system.
- 5) The Board of Crime Control has accepted the responsibility to attempt de-institutionalization of status offenders and separation of youth from adult offenders and could therefore be the most obvious agency to "house" a temporary system management staff.

##### Goal:

To provide system design and development of the proposed detention and shelter care plan for a two-year period with such staff being housed within the Board of Crime Control.

Objectives:

To provide a staff consisting of a program manager and an assistant for a two-year period.

To provide such staff with supplemental funding for supplies, equipment, and travel reimbursement as necessary.

Implementation:

See Budget Addendum

Consequences if not approved:

- there will be no accountability for the system
- no consistent standard for program or care will be established
- individual information systems of the three responsible agencies will not be compatible and, therefore, will not produce compatible data.

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## APPENDIX 1

### Montana Probation Officers' Association Critique of the Detention and Shelter Care REVIEW DRAFT

#### INTRODUCTION

This document was prepared by the Montana Probation Officers' Association in response to the Detention and Shelter Care Plan presented to us for review. The Committee appointed by the Governor was to "develop a comprehensive plan for shelter and detention care services for juveniles who are awaiting court orders or execution of court orders". (p. 2, Detention and Shelter Care).

In the limited time available for our review, we hope to provide the Committee and legislature with constructive criticism of the report.

#### METHODOLOGY

A committee of probation officers from the Montana Probation Officers' Association was appointed to compose this document. Due to the limited time for our review, limited time for staff, and unavailability of funds, current data was not collected. Our remarks are limited to our experience in working with juveniles and the juvenile justice system.

#### CHAPTER I

Chapter I (p. 8-24, D-S Care) lists the limitations of the study. First, they report that data were not collected from all districts. This raises the question of how many districts reported and are they representative of the entire state? If not, one should be cautious of generalizations based on that data.

Secondly, they state and data reports the number of individual offenses rather than the number of individuals. Without this information, it is difficult to determine the number of youth involved in the system.

It was not clear how the data were collected. By reporting the data in the form of percentages and on a statewide basis, the reader cannot review the data in order to draw their own conclusions. This is generally acceptable research procedures.

Apparently, the tables on (p. 11, D-S Care) show the number of offenses rather than the number of youth. The criterion for the category of "detained" is defined as "overnight in jail" and other.

Does this mean a youth held for one hour until the parents could be located or until the probation officer arrived were classified as overnight in jail? The authors point out that their data are "not representative of a detention rate since these are only youth referred to probation and not total youth arrested or apprehended". (p. 12, D-S Care) It appears this data is vital to the study and should be collected in order to determine the current practice in the state. That is, the total number of youth contacted (not offenses) and the number of youth detained and for how long. It is also common knowledge among probation officers, that a youth may receive a lesser charge (status offense) rather than a greater charge (delinquent) as part of the treatment plan of the probation department.

The authors point out that the "major offense for which all youth were detained was runaway". (p. 22, D-S Care) It should be pointed out that this is a legitimate reason for detaining youth under the Youth Court Act (10-1212).

It is recommended that additional data be collected. We suggest a study to determine the current practices in order to determine the needs and thus a comprehensive plan for detention and shelter care in the state of Montana.

It should be noted that the author's definition of youth (p. 8, D-S Care) refers to the number of offenses and does not reflect repeaters. The basic data of 3,434 youth detained throughout the report does not denote the actual number of youth detained. Thus the statements reflecting these percentages (p. 24, p. 25, etc. D-S Care) could be misleading. From the data presented, we can not conclude that the actual detention rates are 26 per cent and 29 per cent. We can conclude that due to the inclusion of repeaters these percentages would be higher than the actual detention rate.

## CHAPTER II

### PHILOSOPHY

In the general overview, the inadequacy of many jail facilities for detention is pointed out. This we can agree upon. However, we do not agree with the comment "the statute itself (Youth Court Act) only vaguely alludes to due process within the context of detention of a youth". (p. 26, D-S Care) We refer the reader to the Youth Court Act 10-1209, 4 a-f, 6, 10-1218. The latter describes the basic legal right of the youth.

As is common, one can present authoritative comments on both sides of an issue. Let us refer you to a comment by E. Hunt Hurst, Director of the National Center for Juvenile Justice, speaking to the Third National Conference of Juvenile Justice, San Francisco, California, February, 1976:

"Research is consistent in saying there is no difference behaviorly between the Status Offender and the Juvenile Delinquent, behaviorly they are the same people. From a clinical perspective, you find that their (status offender's) behavior is even more pathological than the delinquents."

by Institute of Juvenile Research

With the foregoing in mind, we would like the reader to note the discrepancies between the expressed philosophy of the Detention and Shelter Care Report and the philosophy of the Youth Court Act.

The Probation Officers' Association subscribes to the purposes and goals of the Montana Youth Court Act (Section 10-1202 R.C.M., 1947). We believe that our youth are best served when the unity and welfare of their families are preserved, and that the youth of Montana are entitled to care, protection and a wholesome environment. We believe that a program of supervision, worked out between parents, the youth and probation officer and backed by the legitimate authority of the youth court is the most effective and least disruptive rehabilitation program for youth and their families.

We commend the built-in protections of the youth court act for due process, inviolability of constitutional and individual rights, and for special treatment and facilities for youthful offenders. We support the juvenile's right to counsel whenever significant decisions on his welfare are to be made.

We are aware that a youth's concept of the whole judicial system will be influenced by our actions and that the dignity and integrity of the youth court must be maintained by its representatives. We encourage any violations of this responsibility be dealt with immediately and firmly.

We know that many status offenders' behavior patterns are more set and intractable than many juvenile delinquents and that their behavior more often victimizes people while the juvenile delinquent's offenses are quite often against property.

We believe that juveniles are the responsibility of their parents first, and that the youth court's involvement should be limited to the minimum which will be supportive and effective.

We recognize that juveniles can and do commit all of the offenses committed by adults and that the community is entitled to protection from them when necessary. We support institutional placements when other resources have proven ineffective and see in our day to day work the benefits of temporary detention for some juveniles.

We believe the 45-day evaluations serve purposes. They provide social, psychological and educational information and temporary restriction. In those cases where restriction is not a necessary factor, we will use a local mental health program.

We believe that the Youth Courts have made great progress and that the Montana Youth Court Act is a progressive, compassionate, and effective instrument for dealing with young offenders. We strongly support the philosophy that youth, parents and professional staffs, who work in day to day contact with youth, should not be locked into inflexible plans which do not address our day to day needs, priorities or resources. We are united in our resistance to efforts to do so by non-involved people.

### CHAPTER III

This section of the Detention and Shelter Care describes the process and procedure recommendations. We question why so much emphasis was placed on this area in the plan. We also find many statements and recommendations on which we disagree with the authors. Our main contention of disagreement is that their recommendations on procedure are in conflict with the Youth Court Act. (See appendix 8, D-S Care) We are in agreement with this act and find it a very functional document. We feel much more study, with more input by people involved with youth, went into the development of the Youth Court Act than into the Detention and Shelter Care Plan.

Due to the nature of this chapter, we wish to present our criticism by quoting from the Detention and Shelter Care Plan, then presenting our opinion or comments. We start our review of procedures on page 32, since the authors are included in some procedure opinions at the end of Chapter II.

"Detention and shelter care only be employed when it is absolutely necessary and that the decision to detain or shelter be constantly reviewed and monitored by the Youth Court Judge." (p. 32, Para. 2, Line 3, D-S Care)

#### COMMENT:

The Probation Officer's Association (hereafter referred to as P.O.A.) agrees with this statement and feels that the Montana Youth Court Act adequately regulates the shelter care and detention decisions.

M.Y.C.A. 10-1212: DETENTION OF YOUTH. A youth taken into custody shall not be detained prior to the hearing on the petition except when: his detention or care is required to protect the person or property of others or of the youth; he may abscond or be removed from the jurisdiction of the court; he has no parent, guardian, or other person able to provide supervision and care for him and return him to the court when required; or an order for his detention has been made by the court pursuant to this act.

M.Y.C.A. 10-1214: PLACE OF DETENTION. (1) A youth alleged to be a delinquent youth or youth in need of supervision may be detained only in:

- a) a licensed foster home or a home approved by the court;
- b) a facility operated by a licensed child welfare agency;
- c) a district youth guidance home or other youth facility or center which is under the direction or supervision of the court; other public authority or of a private agency approved by the court; or
- d) a detention facility;
- e) any other suitable place or facility, designated or operated by the Court. The youth may be detained in a jail or other facility for the detention of adults only if: the facilities in subsection (c) or (d) is not available; the detention is in an area separate and removed from those of adults; it appears to the satisfaction of the court that public safety and protection reasonably require detention; the facilities specified in subsection (a) or (b) are not sufficient; and the court so orders.

(2) The official in charge of a jail or other facility or the detention of adult offenders or persons charged with crime shall inform the court immediately if a person who is or appears to be under the age of eighteen (18) years is received at the facility. Such official shall bring the person before the court upon request or deliver him to a detention facility designated by the court.

(3) A youth alleged to be in need of care shall be placed only in the facilities stated in subsections (a) and (b) of subsection (1) of this section and shall not be detained in a jail or other facility intended or used for the detention of adults charged with criminal offenses or of youths alleged to be delinquent or in need of supervision by virtue of violations of the law.

"There is no systematic statewide approach to detention and shelter care in Montana". (p. 35, para. 1, Line 1, D-S Care)

COMMENT:

There is a statewide systematic approach and the criterion is outlined accurately in the Youth Court Act, Sections 10-1214, cited above. The P.O.A. feels that someone has to make the detention or shelter care decision in cases involving a youth in need of supervision or delinquent youth and those decisions are best made by a probation officer.

"The statutes carefully specify the due process procedures regarding arrest and apprehension of youth, and specify the procedures for adjudicating a youth for specific dispositions available; these same statutes do not, however, address the due process provisions necessary at the detention stage of the juvenile justice system". (p. 35, para. 1, Line 8, D-S Care)

COMMENT:

Sections 10-1212 and 10-1214 of the Y.C.A. do address the due process provisions necessary at the detention state. (see above)

"The statute should carefully and clearly set policies for detention and shelter care in Montana".

"These types of policies usually need to be fairly broad and general in order to be applicable through all jurisdictions". (p. 35, para. 2, Line 6, D-S Care)

COMMENT:

The two statements contradict one another. The first sentence says "carefully and clearly set policies" while the second sentence says "These types of policies usually need to be fairly broad and general....."

"A youth taken into custody shall not be detained prior to the hearing on a petition except when --- an order for his detention has been made by the court pursuant to this act". (p. 37, para. 3, Line 2, D-S Care)

COMMENT:

This is taken from the Y.C.A., 10-1212, which the P.O.A. totally agree with".

"The survey indicated that in nine out of sixteen responding jurisdictions, the probation officers make all of the initial decisions to detain the majority of these initial decisions". (p. 37, para. 5, Line 12, D-S Care)

COMMENT:

The Youth Court has jurisdiction under the Y.C.A. to make the decisions referred to above. 10-1212 (See Page 1) covers this area adequately.

"INTAKE - One of the questions raised is how many youth are detained unnecessarily because of rigid 8-5 working schedules for detention decision makers". (P. 38, para. 2, Line 1, D-S Care)

COMMENT:

Very few if any probation officers in the state of Montana work an 8-5 schedule. In most communities, arrangements are made to have a probation officer on call. In more rural communities, the probation officer is on call 24-hours a day. Most often, if that probation officer is not available, other arrangements have been made, and those arrangements depend on the judicial district.

"The youth then waits until the next morning to receive full consideration of possible alternatives to secure custody by the probation office". (P. 38, para. 2, Line 7, D-S Care)

COMMENT:

This is the situation with adults and their appearance before a Justice of the Peace.

"Law enforcement agencies usually do not have the manpower to provide crisis intervention which might alleviate the necessity for detention until the appropriate referral can be made". (p. 38, para. 2, Line 10, D-S Care)

COMMENT:

Law enforcement provides crisis intervention many, many times. When the situation appears to be out of control, the referral is made to the appropriate agency.

Also, this statement contradicts a proposal for the manual, Page 62; Para. 3, Line 1, "The third type of method of providing 24-hour intake services might be for the court to make a formal agreement with specific law enforcement personnel for such services. The agreement should include the criteria to be used to make the detention or shelter care decision, both state and locally established, as well as specific procedures to be followed." The Youth Court will be able to monitor the quality of these decisions through the detention and shelter care hearing."

"However, it is not required that the youth, his/her parents, or attorney be notified by the procedure of a detention hearing. (p. 38, Para. 3, Line 4, D-S Care)

COMMENT:

P.O.A. agree that the parents and/or the attorney be notified of the procedure of a detention hearing.

"There is no maximum time limitation on services of summons". (p. 39, para. 1, Line 6, D-S Care)

COMMENT:

Y.C.A. 10-1217 - SERVICE OF SUMMONS. (1) Any youth who is the subject of a proceeding under this act must be personally served with summons at least five (5) days before the time stated for appearance.

Y.C.A. 10-1209 (6) INTAKE PROCEDURE.

A petition charging a youth held in custody or detention must be filed within five (5) working days from the date the youth was first confined or the petition shall be dismissed and the youth released unless good cause is shown for further detaining such youth.

Therefore, a youth that is in custody or detention, must have a petition filed within five (5) working days, or the petition is dismissed and the youth released.

If a youth is in detention, and a petition has been filed, it is in the interest of all parties that the hearing be held as soon as possible. The assumption that a youth is in detention with a petition filed may be held for an indefinite time because there is no maximum time for service of summons, is inaccurate. No official is going to hold a youth in detention for an indeterminate time, since secure detention (jail) is not a positive long-term deterrent or treatment program.



"This use of jail has occurred in Montana, even though there is no provision for jail placement as a disposition available to the Youth Court in formal proceedings or to the Probation Office in informal adjustments or consent decrees".

COMMENT:

Y.C.A. 10-1222, Sect. 1 (e) Such further care and treatment or evaluation that the court deem beneficial to the youth consistent with subsection (d) of this section.

Section (d) Transfer legal custody to the department of institutions provided, however, that in the case of a Youth in Need of Supervision, such transfer of custody shall not authorize the Department of Institutions to place the youth in a detention facility and such custody shall not continue for a period of more than six (6) months without a subsequent order after notice and hearing.

10-1210 (1) (b) Approval by the youth court judge shall be required where the complaint alleges commission of a felony or where the youth has been or will be in any way detained. (this section is entitled, Consent adjustment without petition, and is referred to the manual as "informal adjustments".)

"Incarceration as a sample of "what will happen to you if you don't change" as a part of the pre-adjudicatory stage must cease". (p. 39, para. 2, Line 9, D-S Care)

COMMENT:

This paragraph is entitled "Dispositional Incarceration" and the above statement refers to the 'pre-adjudicatory stage'. Dispositional incarceration and pre-adjudicatory incarceration are separate issues. P.O.A. recommend a deletion of this paragraph.

"A youth may be detained for five days prior to the filing of a petition and, if unaware of the right to request a 'detention hearing', could be detained for seven days when no court action was anticipated". (p. 39, para. 1, Line 1, D-S Care)

COMMENT:

P.O.A. feel that there is adequate limitations on pre-adjudicatory youth held in custody with the present time limit of five working days for the filing of a petition, Y.C.A. 10-1217. (See COMMENT on P. 1-8, concerning Y.C.A. 10-1217)

"Detention is defined as the temporary care of youth in physically restricting facilities pending court action or execution of a court or administrative order".

"Shelter care is defined as the temporary care of youth in physically unrestricting facilities pending court action or execution of a court or administrative order". (p. 40, para. 2, (1) D-S Care)

COMMENT:

P.O.A. recommend a change in accordance with the Y.C.A. 10-1214. Place of detention. A youth alleged to be a delinquent youth or a youth in need of supervision may be detained only in:

- a) a licensed foster home or a home approved by the court;
- b) a facility operated by a licensed child welfare agency;
- c) a district youth guidance home or other facility or center which is under the direction or supervision of the court, other public authority or of a private agency approved by the court; or
- d) a detention facility.

P.O.A. further recommend that c) a district youth guidance home, be deleted from the Y.C.A. in this section.

"Detention is defined as the temporary care of youth in physically restricting facilities pending court action or execution of a court or administrative order". (p. 40, (1) D-S Care)

COMMENT:

Y.C.A. 10-1214 Place of Detention (1) (e) any other suitable place or facility designated or operated by the court. The youth may be detained in jail. ....

Further confusion arises over the Y.C.A. definition of Detention facility (10-1203, (17)). Detention facility means a residential facility for the detention and rehabilitation of delinquent youth such as Pine Hills School in Miles City, and the Mountain View School in Helena.

The manual does not define detention facility, and the Y.C.A. is ambiguous. Y.C.A. defines in 10-1214 Place of detention, which includes shelter care and jail. The manual separates the two.. P.O.A. feels that any removal from the home situation may be detention, be it foster home, group home, or jail.

Further, the manual is contradictory with its definition of Shelter Care, page 40, #2, "shelter care" is defined as the temporary care of youth in physically unrestricting facilities.

Page 30, Para. 2, Line 1 states, "In order to further avoid the misuse of detention on the grounds that there is not other alternatives available, shelter care facilities and services with varying degrees of restrictiveness and security should be developed". Apparently, 'physically unrestricting facilities' and 'shelter care facilities with varying degrees of restrictiveness and security' are contradictions.

"Assessment" is defined as the investigative and information gathering activities that occur prior to any decision regarding a youth's family situation. Assessments include, but are not limited to, interviews with family members, relatives, friends, involved agency personnel, and witnesses, school and behavior reports, and any evaluation of the youth and family'. (p. 40, #3, D-S Care)

COMMENT:

P.O.A. propose addition. Assessment must include reason for referral, and may include areas covered in the manual. (see paragraph above)

"Detention and/or shelter care decision makers" is defined as any one or all of the following agencies who are responsible for initial detention and shelter care decision for youth: The Department of Social and Rehabilitation Services, the Juvenile Probation Office, the Aftercare Bureau, and/or others as authorized by the Youth Court". (p. 41, #5, D-S Care)

COMMENT:

The only intake decisions the Department of SRS should make is dealing with the Youth in Need of Care. Y.C.A. 10-1209 (3) Intake Procedure. If the probation officer determines that the facts indicate a youth in need of care, the matter shall be immediately referred to the state department of social and rehabilitation services. Therefore, it is already included in the Y.C.A. that the Youth in Need of Care be handled by the Department of SRS, not by the Youth Court. The probation officer should not, by law, place a Youth in Need of Care, and the P.O.A. feels the reverse should be true; i.e., Department of SRS should not place (on intake) Youth in Need of Supervision or Delinquent Youth.

"Every attempt must be made to locate the youth's parents or guardian and to include them in the assessment process".  
(p. 42, para. 3, Line 13, D-S Care) (Decision to Detain or Shelter)

COMMENT:

P.O.A. agrees totally, that it is vital that the parent or guardian be included in the decision to detain or shelter, when it is possible.

"The detention and shelter care admission criteria to be established by the Youth Court, along with state established criteria, will outline the factors to be considered in order to determine if detention or shelter care is necessary.  
(p. 42, para. 3, Line 15, D-S Care)

COMMENT:

Y.C.A. covers this adequately in 10-1212 and 10-1214 (see p. 1 & 2)

"State established criteria for shelter care determination should consist of these basic factors:

- 1) whether the youth and his/her family needs shelter care to address their problematic situation when it is not possible for the youth to remain home;
- 2) whether the youth needs to be protected from physical or emotional harm;
- 3) whether the youth needs to be deterred or prevented from immediate repetition of his/her troubling behavior;
- 4) whether there is need to shelter in order to assess the youth and his/her environment;
- 5) whether there is need for shelter care in order to provide adequate time for case planning and disposition; and/or
- 6) whether shelter care is necessary to intervene in a crisis situation and provide intensive services/attention that might alleviate the problem and reunite the family". (P. 43, para. 2, Line 1, D-S Care)

COMMENT:

P.O.A. is in total agreement

"If a youth is not considered dangerous to the community or is not awaiting transfer to another jurisdiction, he/she must be placed in shelter care rather than in detention unless evidence is available to justify detention on grounds that he/she may abscond". (p. 44, para. 2, Line 4, D-S Care)

COMMENT:

P.O.A. propose a deletion of the above, and the criterion for detention remain as it is in the Y.C.A. 10-1212 and 10-1213 (see P. 1 & 2)

"Any youth who appears or is known to have suicidal tendencies or will probably need medical attention due to alcohol or drug abuse must not be detained in a local jail or lock-up, but rather should be immediately referred to a local hospital with appropriate facilities". (p. 44, para. 2, Line 11, D-S Care)

COMMENT:

Agree, with the addition to the last sentence - "but rather should be immediate referred to a local hospital with appropriate facilities when available".

"Every effort must be made by these agencies to assure that only the most serious alleged offenders are exposed to detention and that youth are separated from their families and homes only when absolutely necessary". (Page 44, para. 3, Line 4, D-S Care)

COMMENT:

P.O.A. propose this statement be deleted, since we believe that this is the case at the present time.

"The agencies responsible for initial detention and shelter care decision should provide 24-hour capability for such decision making". (P. 44, Para. 4, Line 1, D-S Care)

COMMENT:

It is the belief of the P.O.A. that this is being done at the present time.

"In larger jurisdictions such as Judicial Districts #4, #8, and #13, (Missoula, Cascade and Yellowstone Counties) the Department of SRS and Juvenile Probation Offices should maintain intake units staffed with specially qualified personnel". (P. 45, Para. 1, Line 2, D-S Care)

COMMENT:

P.O.A. feel that SRS and the Youth Court have distinct and separate functions within a community and their intake staff should not be combined. Just as probation officers do not wish to be responsible for the Youth in Need of Care, the SRS should not wish to be responsible for the Youth in Need of Supervision or Delinquent Youth. Since they have separate and distinct functions, their responsibilities must be kept separate.

"By definition, detention and shelter care placements should only occur if court action or transfer to another jurisdiction is anticipated". (P. 46, Para. 1, Line 1, D-S Care)

COMMENT:

P.O.A. propose a deletion of the above, and the Y.C.A. 10-1212 and 10-1214 be substituted. (see pages 1 & 2)

"or the chief juvenile probation officer". (P. 46, Para. 1, Line 12, D-S Care)

COMMENT:

The P.O.A. do not want to prosecute cases in the youth court or act as a prosecutor in any stage of a proceeding. Therefore, we do not wish to be the individual signing a petition, since that is the responsibility of the County Attorney.

"In the case of a parental agreement affected by SRS, the agreement shall be considered a petition (for the purposes of this discussion) and the resulting shelter care shall be considered as a post-dispositional placement". (P. 46. para. 2, Line 1, D-S Care)

COMMENT:

A parental agreement is not a petition (petitions must be signed by the County Attorney, see p. 11) and should not be construed to be one. This statement does not follow the recommended procedures, by the P.O.A. which follow the Y.C.A. 10-1215 Petition ---form and content. A petition initiating proceedings under this act shall be signed by the county attorney and shall be entitled, "In the Matter of ....., a youth," and shall set forth with specificity:

- 1) the facts necessary to invoke the jurisdiction of the court together with a statement alleging the youth to be a delinquent or in need of supervision;
- 2) the charge of an offense which shall:
  - a) state the name of the offense;
  - b) cite in customary form the statute, rule, regulation or other provisions of law which the youth is alleged to have violated;
  - c) state the facts constituting the offense in ordinary and concise language and in such a manner as to enable a person of common understanding to know what is intended; and
- 3) the name, birth date and residence address of the youth;
- 4) the names and residence addresses of parents, guardian, and spouse, of the youth; and if none of the parents, guardian, or spouse resides or can be found within the state, or if there is none, the adult relative residing nearest to the court;
- 5) whether the youth is in custody, and if so, the place of detention or care and the time he was taken into custody;
- 6) if any of the matters required to be set forth by this section are not known, a statement of those matters and the fact that they are not known; and
- 7) a list of witnesses to be used in proving the commission of the offense or offenses charged in the petition, together with their residence addresses. The names and addresses of any witnesses discovered after the filing of the petition shall be furnished to the youth upon request.

"Any youth detained or sheltered must receive a detention or shelter care hearing before a district judge. This hearing shall be held without unnecessary delay and within 24-hours (excluding weekends and judicial holidays) of the time of detention, unless there is good cause for extension beyond 24-hours in which case the judge may allow an extension of 24-hours for that particular case". (p. 46, Para. 3, Line 1, D-S Care) (Youth Court Review and Action)

COMMENT:

P.O.A. recommend that the current 5-day limit 10-1209 (6) A Petition charging a youth held in custody or detention must be filed within 5 working days from the date the youth was first confined or the petition shall be dismissed and the youth released unless good cause is shown to further detain such youth. Further, that the detention hearing be set at the earliest convenience of the court.

"A youth shall be represented by counsel during a detention or shelter care hearing. If the youth is unable to provide his or her counsel, counsel shall be provided. The Youth may not waive this provision of counsel". (P. 47, Para. 2, Line 1, D-S Care)

COMMENT:

P.O.A. recommend deletion of this statement. The youth and his/her parents should have the right to counsel, but is should not be mandatory.

"During such hearing the judge shall consider if there is reasonable grounds to believe that:

- 1) the youth committed an offense which:
  - a) would be a criminal offense if he/she were an adult; or,
  - b) would not be criminal if he/she were an adult; or,
- 2) the youth is in violation of an aftercare agreement; or,
- 3) the youth must be detained for transfer to another jurisdiction; or,
- 4) the youth's safety and welfare is at substantial risk if he/she is not sheltered". (P. 47, Para. 3, Line 1, D-S Care)

COMMENT:

Recommend addition under the Y.C.A. 10-1212 "or an order for his detention has been made by the court pursuant to this act". Also, for the protection of the community should be added.

"If filing of such a peition is not intended within 48-hours of the time of detention, the youth should be released immediately". (P. 47, Para. 4, Line 9, D-S Care)

COMMENT:

Recommend deletion of this statement, and the addition of the Y.C.A. 10-1209 (6) (see page 15)



"The filing of a petition is not necessary in the case of transfer to another jurisdiction". (P. 48, Para. 1, Line 1, D-S Care)

COMMENT:

Totally agree, since it is in agreement with 10-1207 Y.C.A. (1) The county where a youth is a resident has initial jurisdiction over any youth alleged to be a delinquent youth; a youth in need of supervision; or a youth in need of care, and the youth court of that county shall assume the initial handling of the case.

"Only those youth who are considered by the judge to be a danger to the community or are likely to abscond prior to further court or administrative action may be ordered to be placed in secure detention". (P. 48, Para. 3, Line 1, D-S Care)

COMMENT:

P.O.A. recommend the addition of "or a Consent Adjustment Without Petition, Consent Decree, or an order of the court has been made".

"If a youth is sheltered or detained and a petition has not been filed within 48-hours of the time of detention, he/she shall be released at the end of the 48-hour period, unless the judge, on a showing of good cause, approves an extension of time to file. This extension may be up to 24-additional hours". (P. 48, Para. 4, Line 1, D-S Care) (Extension of Petition Filing)

COMMENT:

Recommend deletion due to the fact that many Judicial Districts or parts thereof are rural communities and the time allotted in the above statement is unrealistic. Judges do not live in every community and they do not preside everyday in just one community. Again, recommend the Y.C.A. as stated in 10-1209 (6) (Page 15) and 10-1212 (page 1 and 2)

"Delays shall be allowed only upon application of counsel for the youth". (P. 49, Para. 3, Line 4, D-S Care)

COMMENT:

Delays shall be allowed only upon agreement of counsel for the youth, and the county attorney in consultation with the judge.

"If a youth is detained or sheltered awaiting transfer to another jurisdiction, that transfer must be made with no unnecessary delay, and in any case, within 3 days of the time of detention". (P. 49, Para. 3, Line 5, D-S Care)

COMMENT:

Recommend deletion of the 3-day limit. No agency wishes to hold a youth from another jurisdiction for any longer than is absolutely necessary. Statement should end with, "that transfer must be made with no unnecessary delay".

"The preceding proposal is intended to afford Montana's youth consistency and due process throughout one of the most traumatic stages of the justice system. It does not mean to further bureaucratize or overburden the JJS. Hopefully, the establishment of a specific process, identification of criteria, and assurance of due process to Montana youth involved in this critical stage will provide more benefits to the youth and the communities than "bureaucratic red tape" to the juvenile justice system". (p. 51, Para. 2, Line 1, D-S Care)

COMMENT:

P.O.A. recommend deletion of the above, since we feel it will hinder the JJS with more "red tape". The Y.C.A. does afford Montana's youth consistency and due process. It does have specific process, identifies criteria and assures due process to Montana's youth.

"Parens Patriae is still valid and is meant to continue to exist within the above proposal". (P. 51, Para. 2, Line 10, D-S Care)

COMMENT:

"Parens Patriae" is not valid within the intent of the Y.C.A. The Youth court should not take the place of a parent except when absolutely necessary.

## CHAPTER IV

In the overview of this chapter, it is pointed out that there is a need for development of alternative facilities for detention and shelter care. We agree that such alternatives would be very welcome.

We would like to remind the reader that the figure "3,434 youth" refers to the number of incidents and not necessarily the number of youth. The exact length of time these youth were held is also in question as was pointed out previously. Due to those factors, the "47 percent" can be questioned.

The authors state "Youth in Need of Care, often referred to as dependent and neglected, were occasionally detained in jail last year in spite of the distinct prohibition against such action in the Montana Youth Court Act of 1974 (10-1214)" (p. 53, D-S Care) We recommend these violations be handled as violations of the law. It should be noted that a delinquent act and only after investigation is at determined that in the best interest of the youth he be treated as a youth in need of care.

Although we agree with the statement, "The following conditions prevail throughout the county jails in Montana..." (P. 54, D-S Care), we would like to see the data to support the statement. It is common in a study of this nature to make statements based on data available for the reader to draw his own conclusions. This is a common error throughout the report. We agree that in an ideal situation these conditions would not be present, but we are also aware of the cost of implementing the ideal. We, as juvenile officers, feel we do the best we can with our present limited facilities and services.

We disagree with the statement "Overuse of detention may occur due to the high degree of availability of county jails and the economics of using the county jail facilities..." (P. 54, D-S Care) We think data could be found to suggest that as more and better facilities become available there is an increase in their use and thus an increase in the number of youth held in detention.

The authors list five types of shelter care available in Montana as the "only shelter care programs". (P. 56 D-S Care) We wish to point out the Court can establish foster homes (Y.C.A. 10-1236) and a program of this type is in operation in the Tenth Judicial District. On page 57, they mention "Some Youth Courts have recruited a few local families to provide this (shelter care) service for the Court and are approved and supported by the Court". They list the primary reasons for a lack of development of this form of shelter care as 1) the youth's reluctance to adjust to the family and lack of attention; 2) lack of finances and support; 3) lack of families to provide foster care. These factors result in a high turnover in foster families.

We recommend this form of shelter care be explored. Perhaps each district could be provided with finances 1) to hire personnel to recruit foster homes, supervise them, and provide the necessary support to the family and youth; 2) to pay the foster homes for the service provided. We suggest this plan be developed as an alternative available to the Courts.

The report suggests a 24-hour intake service. In most of the more populous districts, this service is in existence. In the more rural districts, this service is provided by an on-call probation officer.

The authors state "A significant number of the 3,192 youth were detained in Montana jails last year experienced incarceration in adult jails for less than 24 hours". (P. 60 D-S Care) It is not clear where this data were obtained. They refer to Chapter I., but we were unable to determine where these figures were presented in Chapter I. They further point out that "5 percent of the 1,994 youth detained in 1974 were formally handled by Court", as if this is a negative finding. We feel it is a credit that so many youth are being diverted from the formal court proceedings.

The implication that 58 percent (again recall the question of this figure) of the youth detained were status offenders and were held because they were "a threat to the community", (P. 60, D-S Care) is misleading. We are aware of several reasons for detaining as previously mentioned. It is also misleading to imply that all 58 percent were "incarcerated in a jail also housing felons". (P. 60 D-S Care)

The authors suggest "a formal agreement with specific law enforcement personnel" to provide intake services. We disagree with this approach due to the Youth Court Act specification of who will make the detention decision. Section 10-1234(1) No person while serving as a law enforcement officer shall be appointed or perform the duties of a full-time or part-time probation officer.

## CHAPTER V

This section of the Detention and Shelter Care describes the Diagnosis and Evaluation procedure.

We wish to quote from the Detention and Shelter Care Plan and to present our opinion or comments.

"It seems inappropriate to detain youth in a secure state correctional institution for adjudicated delinquents when many of these youth haven't been found guilty of any criminal charge, but have signed a consent decree". (P. 71, Para. 2, Line 3, D-S Care)

### COMMENT:

We refer to Section 10-1224 M.Y.C.A. which refers to the consent decree that before entry of judgement is made, a consent decree may be entered. This is after adjudication or found guilty but before sentencing. Therefore, the statement in the plan is not correct.

"The total evaluation and diagnosis could be completed in a maximum of four days with two to four staff member". (P. 72, Para. 1, Line 7, D-S Care)

COMMENT:

It would be very difficult, if not impossible to evaluate and diagnose the family, school, peers, and community in a maximum of four days. In addition, the law does not provide for the mandatory cooperation of these factors outside of the youth himself. It is the opinion of the P.O.A. that Pine Hills School and Mountain View School are better able to evaluate school adjustment, peer relationship, than could be done in the community. The Probation Office via the social summary (required by Section 10-1221) and contact with the parents, due to the youth's behavior, provide information to Pine Hills School and Mountain View School regarding the family, the school and the community.

"The length of stay would be very short and family ties would not be severed". (P. 72, Para. 1, Line 11, D-S Care)

COMMENT:

One should not underestimate the value of removing a youth from his environment for a brief period of time.

"There would be no unnecessary exposure of youth who require evaluation and diagnosis to the more sophisticated youthful offenders of Montana who are residing at the state's two correctional institutions. (P. 72, Para. 1, Line 12, D-S Care)

COMMENT:

It should be pointed out that most youth committed to the state's two correctional institutions for evaluation are adjudicated delinquent prior to the evaluation and that many of them are "exposed to more sophisticated youthful offenders" due to their peer selection prior to commitment. The chances of a youth being exposed to these values for the first time at the institution is minimal.

"The recommendation intends that Mental Health teams be established in Great Falls, Missoula and Billings, with contractual agreements". (P. 72, Para. 1, Line 2, D-S Care)

COMMENT:

It is not clear what the committee is proposing by the "evaluation teams" centered in Great Falls, Missoula, and Billings. If they are proposing these teams would provide evaluations for the entire state, it would be impossible, considering the large distance and numbers of youth evaluated in the entire state.

If they are proposing development of teams at each Mental Health Center and Satellite, we question the availability of staff who are specialized in youth and evaluation of delinquent youth.

Another problem with the "team approach" is the lack of incentive to encourage the youth to participate in the evaluation.

The 1967 legislative session passed legislation allowing for a 45-day evaluation at a Reception Evaluation Center. Funds for the establishment of such a center were never appropriated. Since that time, the need for information has remained and the laws have never been changed. Pine Hills School and Mountain View School presently provide this evaluation service for the Courts.

At present, a delinquent youth over sixteen years of age can be committed to either institution for evaluation to determine suitability for placement at Swan River Youth Forest Camp. (10-1222,26) Delinquent youth below 16 years of age can be committed for treatment or evaluation at a detention facility. (10-1222,e) Present legislation suggests a youth in need of supervision cannot be committed to a detention facility for evaluation. (10-1222,ld) Pine Hills School and Mountain View School are defined as detention facilities. (10-1202,(17) Such youth can be committed to a Reception and Evaluation Center for a period of 45-days for evaluation. (10-1222,(22).

It is recommended that the 45-day evaluation be left as it is and the Youth Court Act be amended to include status offenders.

The need for such evaluations to the Judicial System is evident by the number of youth committed to Pine Hills School or Mountain View School for evaluation.

At Pine Hills School alone there have been over 300 youth evaluated (97 in the last year) since the initiation of such a service. The information and deterrent value of these evaluations can be substantiated by probation officers throughout the state.

The continuation of these evaluations would:

1. Provide continuity of evaluation throughout the state.
2. Insure staff trained in evaluation and treatment of youth (especially delinquent, behavior disorders, and adjustment disorders).

3. Provide a center for coordination of all treatment resources throughout the state.
4. Provide a better evaluation (as opposed to local 4 day evaluations) of interpersonal relationships due to the increased hours of observation.
5. Provide evaluation on response to authority figures, response to supervision, and evaluation of educational-vocational potential.
6. Provide a more realistic treatment plan if the youth is institutionalized (due to the specialized staff's familiarity of institutional treatment programs).

It is further recommended that evaluation time would be for a minimum of 45-days with a provision for the Court to allow an extension of 15 days upon request from the Institution.





## APPENDIX 2

### QUESTIONNAIRE #1

Office of the Governor  
State of Montana  
Capitol Building  
Helena, Montana

a n d

Board of Crime Control  
State of Montana  
1336 Helena Avenue  
Helena, Montana

#### DETENTION AND SHELTER CARE SURVEY

In 1975, the Montana Legislature passed Senate Joint Resolution 22 calling for a study of detention and shelter care services for juveniles and development of a comprehensive plan for such services. This survey is a part of that study requested by the legislature.

Through this survey, we intend to obtain information on current detention and shelter care practices, as well as the status of the system in general, the importance of kinds of information involved in the detention or shelter care decision, and the objectives of detention and shelter care, from the point of view of the practitioner. This kind of information will enable us to assess the situation and facilitate the planning to meet present and anticipated needs; and, of course, the best way for us to obtain this kind of information is to go directly to the professionals, like yourself, who are involved in the detention and shelter care system in one way or another.

Your contribution to this study, by taking the time to complete the questionnaire, will certainly be appreciated. No names are asked for in this questionnaire, nor are they needed. The completed questionnaires will remain confidential and no individual responses will be released, only the summaries of all the responses to the questions. So please be candid and honest in indicating your responses.

\* \* \* \* \*

Before going on to the questions, we would like to establish some definitions assumed in the survey. First of all, all the questions presented here concern juveniles between the ages of ten and seventeen years. Secondly, while both detention and shelter care refer to the temporary care of children, by the term detention we mean the secure custody of the child in a physically restricting facility. Shelter care, on the other hand, means nonsecure custody in a facility that does not physically restrict the child; also, the terms shelter care and emergency placement mean the same thing and are used interchangeably.

If you have any questions about how to complete the questionnaire, please do not hesitate to ask the interviewer. And when you have completed the questionnaire, please seal it in the envelope provided. Thank you.

## SECTION I

The following statements all concern the detention of children between the ages of ten and seventeen. Please read each statement and indicate your honest and candid reaction--that is, do you agree or disagree, or what? *Circle the number of the one response that comes closest to matching your opinion, based on the following scale:*

- 1 = Strongly Disagree  
 2 = Disagree  
 3 = Neither  
 4 = Agree  
 5 = Strongly Agree

	SD	D	N	A	SA
1. Detention practices and philosophy in general should be reviewed and probably completely changed . . . . .	1	2	3	4	5
2. The law clearly specifies who should be detained . . . . .	1	2	3	4	5
3. A youth should be detained unless it can be proved that detention is unnecessary . . . . .	1	2	3	4	5
4. It is proper for law enforcement officers to make detention decisions. . . . .	1	2	3	4	5
5. The distance from the place of arrest to the place of detention influences the decision to detain a youth. . . . .	1	2	3	4	5
6. The request of the school administration that a child be detained should ordinarily be followed . . . . .	1	2	3	4	5
7. A child should never be detained in jail . . . . .	1	2	3	4	5
8. If a child is arrested, the arresting officer's opinion on detention should ordinarily be followed. . . . .	1	2	3	4	5
9. The general physical condition and atmosphere of the place of detention influences the detention decision . . . . .	1	2	3	4	5
10. Parents of alleged juvenile offenders need not be consulted in a detention decision. . . . .	1	2	3	4	5
11. A child should not be detained for any offense that an adult would not be detained for. . . . .	1	2	3	4	5
12. Making the wrong detention decision is usually a result of inexperience on the part of the decision maker . . . . .	1	2	3	4	5
13. A child should never be detained in jail if a suitable alternative exists . . . . .	1	2	3	4	5
14. A child needs legal counsel during the initial intake. . . . .	1	2	3	4	5

## SECTION I (CONTINUED)

	SD	D	N	A	SA
A written policy regarding who may make the decision to detain a child is necessary. . . . .	1	2	3	4	5
16. No matter who makes the decision to detain, a hearing should be held as soon as possible to determine if the detention should continue. . . . .	1	2	3	4	5
17. A written policy regarding the circumstances allowing for detention of a child is necessary. . . . .	1	2	3	4	5

## SECTION II

In any situation that involves a youth and requires that a decision be made regarding the possible detention of that youth, there will be several kinds of information available to the person making the decision. A number of these kinds of information are listed below.

While all of these will, of course, have some importance to the detention decision, we need to know how important each item is, in your opinion. To help you rate the importance of each item, read down the list to form a first impression of the relative importance of each item. Then, for each item, ask yourself: "If I were making the detention decision right now, how important would this kind of information be to my decision?"

*For each item listed, circle the one response that comes closest to matching your opinion: for example, if you feel it is "not at all important" circle the 1; if you feel it is "moderately important" circle the 3; if it is "extremely important" circle the 5; and if your opinion falls somewhere in between those categories, circle the appropriate number on the scale:*

NOT AT ALL                      MODERATELY                      EXTREMELY  
 IMPORTANT. . . . . IMPORTANT . . . . . IMPORTANT  
 1 . . . . . 2 . . . . . 3 . . . . . 4 . . . . . 5

	NOT IMP	MOD IMP	EXT IMP	
1. Family income and social status. . . . .	1	2	3	4 5
2. Source of the referral -- e.g., police, parent(s), school, other. . . . .	1	2	3	4 5
3. Whether the child is living with one parent or with both parents. . . . .	1	2	3	4 5
4. Type of living situation--that is, whether the child is living at home or in some other placement. . . . .	1	2	3	4 5
5. Whether the child has been detained before . . . . .	1	2	3	4 5
6. Whether the child has committed previous offenses. . . . .	1	2	3	4 5

## SECTION II (CONTINUED)

	NOT IMP	MOD IMP	EXT IMP	
7. Sex of the child . . . . .	1	2	3	4 5
8. Seriousness of the alleged current offense . . . . .	1	2	3	4 5
9. Whether the child has a history of alcohol abuse . . . . .	1	2	3	4 5
10. Occupation of the parent(s), including whether or not employed and whether receiving public assistance . . . . .	1	2	3	4 5
11. Whether there is a likelihood that the child will run away . .	1	2	3	4 5
12. Whether the child has a history of involvement with harmful drugs. . . . .	1	2	3	4 5
13. That the child is Indian and living on the reservation . . . .	1	2	3	4 5
14. That the child is Indian but not living on the reservation . .	1	2	3	4 5
15. Attitude, appearance, and behavior of the parent(s) at the time of contact with the probation staff . . . . .	1	2	3	4 5
16. Attitude, appearance, and behavior of the parent(s) at the time of contact with the law enforcement officer, if involved . . . . .	1	2	3	4 5
17. Behavior of the child at the time of apprehension. . . . .	1	2	3	4 5
18. Current juvenile court policy. . . . .	1	2	3	4 5
19. Current policy of the county attorney. . . . .	1	2	3	4 5
20. Availability of the parent(s)--whether or not parent(s) can be located . . . . .	1	2	3	4 5
21. Community opinion concerning the particular type of offense allegedly committed by the youth . . . . .	1	2	3	4 5
22. Age of the youth . . . . .	1	2	3	4 5
23. Current population of the jail . . . . .	1	2	3	4 5

## SECTION III

In this section we have listed several statements that represent what are often expressed as "objectives" of detention. What is your reaction to each of these so-called "objectives"--do you agree with it as an objective of detention, do you disagree, or what?

For each "objective" listed, circle the one response that comes closest to matching your opinion, based on the scale: Strongly Disagree (1), Disagree (2), Neither (3), Agree (4), Strongly Agree (5).

	SD	D	N	A	SA
1. To protect the child . . . . .	1	2	3	4	5
2. To ensure the safety of the community. . . . .	1	2	3	4	5
3. To deter the child from further delinquency or acting out. . . . .	1	2	3	4	5
4. To prevent the child from running away . . . . .	1	2	3	4	5
5. To assure the child's appearance in court. . . . .	1	2	3	4	5
6. To punish the child appropriately. . . . .	1	2	3	4	5
7. To provide an opportunity for evaluation of the child. . . . .	1	2	3	4	5
8. To provide short-term intensive treatment. . . . .	1	2	3	4	5
9. To impress the child and his/her parent(s) with the serious nature of the child's behavior . . . . .	1	2	3	4	5
10. To follow the letter of the law. . . . .	1	2	3	4	5
11. To give the child's parent(s) an opportunity to "cool down". . . . .	1	2	3	4	5
12. To give the child an opportunity to "cool down". . . . .	1	2	3	4	5
13. To provide an opportunity for evaluation of the child's home . . . . .	1	2	3	4	5

## SECTION IV

In Sections I, II, and III, you were asked to react to various statements dealing with the detention of youth; in this section, and the following two sections, you will be asked to react to various statements relating to the emergency placement of youth.

Please read each of the following statements concerning emergency placement and indicate your honest and candid reaction--that is, do you agree or disagree, or what? Circle the number of the one response that comes closest to matching your opinion, based on the scale: Strongly Disagree (1), Disagree (2), Neither (3), Agree (4), and Strongly Agree (5).

## SECTION IV (CONTINUED)

	SD	D	N	A	SA
1. Emergency placement practices and philosophy in general should be reviewed and probably completely changed . . . . .	1	2	3	4	5
2. The law clearly specifies who should be placed in emergency care . . . . .	1	2	3	4	5
3. A youth should be placed in shelter care unless it can be proved that emergency placement is unnecessary . . . . .	1	2	3	4	5
4. It is proper for law enforcement officers to make initial shelter care decisions . . . . .	1	2	3	4	5
5. The distance from the place of referral to the place of shelter care influences the decision to place a youth in emergency care . . . . .	1	2	3	4	5
6. The request of the school administration that a child be placed in emergency care should ordinarily be followed . . . . .	1	2	3	4	5
7. Jail should never be used for emergency placement of a child. . . . .	1	2	3	4	5
8. If a child is referred by probation officials, their opinion on emergency placement should ordinarily be followed . . . . .	1	2	3	4	5
9. The general physical condition and atmosphere of the shelter care influences the placement decision . . . . .	1	2	3	4	5
10. Parents of an alleged juvenile offender need not be consulted in an emergency placement decision . . . . .	1	2	3	4	5
11. A child should not be detained for any offense that an adult would not be detained for. . . . .	1	2	3	4	5
12. Making the wrong emergency placement decision is usually a result of inexperience on the part of the person making the decision . . . . .	1	2	3	4	5
13. Jail should never be used for emergency placement of a child if a suitable alternative exists . . . . .	1	2	3	4	5

## SECTION V

Several kinds of information are generally available to the person who has to make a decision concerning the emergency placement of a child. A number of these kinds of information are listed below.

Assuming that you were making the emergency placement decision right now--how important would each item be to your decision? You might want to read over the list first to get an impression of the relative importance of each item and then indicate your opinion on each.

*For each item listed, circle the one response that comes closest to matching your opinion as to its importance to the placement decision. This is the scale:*

NOT AT ALL                      MODERATELY                      EXTREMELY  
IMPORTANT. . . . . IMPORTANT . . . . . IMPORTANT  
1 . . . . . 2 . . . . . 3 . . . . . 4 . . . . . 5

	NOT IMP	MOD IMP	EXT IMP	
1. Family income and social status. . . . .	1	2	3	4 5
2. Source of the referral -- e.g., police, parent(s), school, other. . . . .	1	2	3	4 5
3. Whether the child is living with one parent or with both parents. . . . .	1	2	3	4 5
4. Type of living situation -- that is, whether the child is living at home or in some other placement. . . . .	1	2	3	4 5
5. Whether the child has been placed in emergency care before . . .	1	2	3	4 5
6. Whether the child has committed previous offenses. . . . .	1	2	3	4 5
7. Sex of the child . . . . .	1	2	3	4 5
8. Seriousness of the alleged current behavior. . . . .	1	2	3	4 5
9. Whether the child has a history of alcohol abuse . . . . .	1	2	3	4 5
10. Occupation of the parent(s), including whether or not employed and whether receiving public assistance . . . . .	1	2	3	4 5
11. Whether there is a likelihood that the child will run away . . .	1	2	3	4 5
12. Whether the child has a history of involvement with harmful drugs. . . . .	1	2	3	4 5
13. That the child is Indian and living on the reservation . . . . .	1	2	3	4 5
14. That the child is Indian but is living off the reservation . . .	1	2	3	4 5
15. Attitude, appearance, and behavior of the parent(s) at the time of contact with the social worker . . . . .	1	2	3	4 5
16. Attitude, appearance, and behavior of the parent(s) at the time of contact with the law enforcement officer, if involved. . .	1	2	3	4 5

## SECTION V (CONTINUED)

	NOT IMP	MOD IMP	EXT IMP	
17. Behavior of the child at the time of contact . . . . .	1	2	3	4 5
18. Current juvenile court policy. . . . .	1	2	3	4 5
19. Current policy of the county attorney. . . . .	1	2	3	4 5
20. Availability of the parent(s) -- whether or not parent(s) can be located . . . . .	1	2	3	4 5
21. Community opinion concerning the particular type of situation in which the youth has become involved . . . . .	1	2	3	4 5
22. Age of the youth . . . . .	1	2	3	4 5
23. Availability of foster homes or other emergency care facilities . . . . .	1	2	3	4 5

## SECTION VI

Earlier you were asked your opinion about various "objectives" of detention. Now we would like you to consider several so-called "objectives" of emergency placement and indicate your reaction to each one--do you agree with it as an objective of emergency placement, do you disagree, or what?

For each "objective" listed, circle the one response that comes closest to matching your opinion, using the scale: Strongly Disagree (1), Disagree (2), Neither (3), Agree (4), Strongly Agree (5).

	SD	D	N	A	SA
1. To protect the child . . . . .	1	2	3	4	5
2. To ensure the safety of the community. . . . .	1	2	3	4	5
3. To deter the child from further delinquency or acting out. . . . .	1	2	3	4	5
4. To prevent the child from running away . . . . .	1	2	3	4	5
5. To assure the child's appearance in court. . . . .	1	2	3	4	5
6. To punish the child appropriately. . . . .	1	2	3	4	5
7. To provide an opportunity for evaluation of the child. . . . .	1	2	3	4	5
8. To provide short-term intensive treatment. . . . .	1	2	3	4	5
9. To impress the child and his/her parent(s) with the serious nature of the child's behavior . . . . .	1	2	3	4	5
10. To follow the letter of the law. . . . .	1	2	3	4	5
11. To give the child's parent(s) an opportunity to "cool down". . . . .	1	2	3	4	5
12. To give the child an opportunity to "cool down". . . . .	1	2	3	4	5
13. To provide an opportunity for evaluation of the home . . . . .	1	2	3	4	5
14. To provide adequate time for case planning . . . . .	1	2	3	4	5



NOTE TO RESPONDENT: WHEN YOU REACH THIS POINT, PLEASE SIGNAL THE INTERVIEWER WHO WILL GIVE YOU SOME ADDITIONAL MATERIALS FOR YOUR USE IN COMPLETING SECTION VII.

## SECTION VII

Please indicate below (by number) which, if any, of the various placement alternatives are not available to you (for referral) at the present time. If they are all available, then write in "All available."

Placement alternatives not currently available: \_\_\_\_\_

Now, for each of the cases listed below, a decision would be made concerning the appropriate placement of the child involved. You are to make that decision assuming that the information provided in each case is the only information available at that moment.

To avoid going into too much detail, we have used some generalized descriptions or descriptive terms, explained below, to characterize the type of offense committed and the type of living situation in each case. Please keep these in mind as you read through each case and make your decision.

### Type of offense committed

Major delinquency offense -- would include such offenses as burglary, auto theft, first degree assault, robbery, or the like

Minor delinquency offense -- such as petty larceny, malicious mischief, or the like

Major status offense -- such as being a runaway (local or nonlocal) or ungovernable

Minor status offense -- such as a curfew or drinking violation or truancy

### Type of living situation

Lives at home -- would include living with parent(s), other close relative(s), or the like

Does not live at home -- would include other placements, such as a foster home, group home, receiving home, or the like

PLEASE REMEMBER: You are being asked to respond to the various cases as if you had to make the decision right now: first, the placement you would use based on what is available to you now; and second, the placement you would prefer to use, assuming all possible alternatives were available. If you wish to indicate a placement alternative (for either of the questions) that is not on any of the cards, be sure to describe it completely in the space provided (or on the back of the sheet if you need more room).

## SECTION VII (CONTINUED)

<p>A. Placement alternative you would <u>use</u>, based on those available to you <u>today</u>.</p> <p>B. Placement alternative you would <u>prefer</u> to use, regardless of whether that alternative is currently available.</p>	<p>A. Placement Alternative <u>Used Today</u></p>	<p>B. Placement Alternative <u>Preferred</u></p>
	<p>(Indicate by number; if "other," please explain.)</p>	
<p>1) Twelve-year-old male Committed major status offense No previous offense Considered cooperative, not likely to abscond or commit an additional offense Lives at home Persons having physical custody of him are located and cooperative</p>		
<p>2) Sixteen-year-old male Committed a major delinquency offense Known to have committed a previous offense Considered cooperative and not likely to abscond or commit an additional offense Does not live at home Persons with physical custody are located and cooperative</p>		
<p>3) Fifteen-year-old female Committed a major status offense Known to have committed a previous offense Considered uncooperative and likely to abscond or commit an additional offense Lives at home Persons with custody are located and cooperative</p>		
<p>4) Seventeen-year-old male Committed a major status offense Considered cooperative and not likely to abscond or commit an additional offense Is not living at home Persons with custody are located and cooperative</p>		
<p>5) Seventeen-year-old female Committed a major delinquency offense No previous offense Considered cooperative and not likely to abscond or commit an additional offense Is not living at home Persons with custody cannot be located</p>		

## SECTION VII (CONTINUED)

A. Placement  
Used TodayB. Placement  
Preferred*(Indicate by number; if "other,"  
please explain.)*

6) Thirteen-year-old female  
 Committed minor status offense  
 Known to have committed a previous offense  
 Considered uncooperative and likely to abscond or  
 commit an additional offense  
 Lives at home  
 Persons with custody are located but uncooperative

7) Ten-year-old male  
 Committed a minor status offense  
 Known to have committed a previous offense  
 Considered cooperative but likely to abscond or  
 commit an additional offense  
 Living at home  
 Persons with physical custody cannot be located

8) Fourteen-year-old female  
 Committed a major status offense  
 No previous offense  
 Considered uncooperative and likely to abscond  
 or commit an additional offense  
 Living at home  
 Persons with custody are located and cooperative

9) Twelve-year-old male  
 Committed a major status offense  
 No previous offense  
 Considered cooperative but likely to abscond or  
 commit an additional offense  
 Lives at home  
 Persons with custody cannot be located

10) Sixteen-year-old female  
 Committed a minor delinquency offense  
 No previous offense  
 Considered cooperative and not likely to abscond or  
 commit an additional offense  
 Lives at home  
 Persons with custody cannot be located

11) Fifteen-year-old male  
 Committed a minor delinquency offense  
 No previous offense  
 Considered uncooperative and likely to abscond or  
 commit an additional offense  
 Does not live at home  
 Persons with custody are located but uncooperative

## SECTION VII (CONTINUED)

	A. Placement <u>Used Today</u>	14 B. Placement <u>Preferred</u>  (Indicate by number; if "other," please explain.)
12) Ten-year-old male Committed a major status offense No previous offense Considered cooperative and not likely to abscond or commit an additional offense Lives at home Persons with custody are located but uncooperative		
13) Fourteen-year-old female Committed a major status offense Known to have committed a previous offense Considered uncooperative but not likely to abscond or commit an additional offense Lives at home Persons with custody are located and cooperative		
14) Sixteen-year-old male Committed a major delinquency offense No previous offense Considered cooperative and not likely to abscond or commit an additional offense Does not live at home Persons with custody are located and cooperative		
15) Sixteen year-old female Committed a major delinquency offense No previous offense Considered cooperative and not likely to abscond or commit an additional offense Is not living at home Persons with custody cannot be located		
16) Fifteen-year-old female Committed a minor status offense Known to have committed a previous offense Considered cooperative but likely to abscond or commit an additional offense Lives at home Persons with custody are located but uncooperative		
17) Seventeen-year-old male Committed a minor status offense Known to have committed a previous offense Considered cooperative but likely to abscond or commit an additional offense Lives at home Persons with custody cannot be located		

## SECTION VII (CONTINUED)

SECTION VII (CONTINUED)	A. Placement <u>Used Today</u>	B. Placement <u>Preferred</u>  (Indicate by number; if "other," please explain.)
18) Twelve-year-old male Committed a minor status offense Known to have committed a previous offense Considered uncooperative and likely to abscond or commit an additional offense Lives at home Persons with custody cannot be located		
19) Sixteen-year-old male Committed a minor delinquency offense No previous offense Considered uncooperative and likely to abscond or commit an additional offense Does not live at home Persons with custody are located and cooperative		
20) Eleven-year-old male Committed a major status offense No previous offense Considered cooperative and not likely to abscond or commit an additional offense Lives at home Persons with custody cannot be located		
21) Sixteen-year-old male Committed a major status offense No previous offense Considered cooperative and not likely to abscond or commit an additional offense Does not live at home Persons with custody are located and cooperative		
22) Seventeen-year-old female Committed a major delinquency offense No previous offense Considered cooperative and not likely to abscond or commit an additional offense Lives at home Persons with custody cannot be located		
23) Thirteen-year-old male Committed a minor status offense Known to have committed a previous offense Considered uncooperative and likely to abscond or commit an additional offense Does not live at home Persons with custody cannot be located		

1 QUESTIONNAIRE #2

A few months ago you were given a questionnaire that primarily surveyed your opinions and attitudes about detention and shelter care. This questionnaire focuses on your opinions and attitudes specifically regarding the procedures, practices, and policies of detention and detention decision-making.

Again, detention refers to temporary care of youth under the age of eighteen in physically restricting facilities, pending court disposition, return to home, or transfer to another jurisdiction. The decision to detain a youth may be made by either law enforcement or probation and should not be confused with referral to a physically unrestricting facility such as a group care facility.

1. Judicial District # \_\_\_\_\_

2. Counties served by you and your probation staff:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Number of Probation Staff including Probation Officers

\_\_\_\_\_

4. Law enforcement agencies that you and your probation staff work with in regard to detention of youth: (please list all agencies involved)

- a. \_\_\_\_\_
- b. \_\_\_\_\_
- c. \_\_\_\_\_
- d. \_\_\_\_\_
- e. \_\_\_\_\_
- f. \_\_\_\_\_
- g. \_\_\_\_\_
- h. \_\_\_\_\_
- i. \_\_\_\_\_
- j. \_\_\_\_\_

- A. This first section deals with your department's policies concerning detention of youth. A policy here is referred to as a standing set of procedures for dealing with youth who may be detained. The policy can be written or unwritten but is generally understood by the personnel who decide whether or not a youth should be detained.

1. Is your detention policy written or unwritten?

Written \_\_\_\_\_

Unwritten \_\_\_\_\_

--If written, it would be a great help if you could send us a copy of the policy along with the questionnaire.

--If unwritten, please outline some of the policy's major points on the back of this sheet.

2. Which agencies or personnel were involved in the development of your detention policy whether written or unwritten? (Please check those that apply.)

\_\_\_\_\_ Probation

\_\_\_\_\_ Law Enforcement

\_\_\_\_\_ District Attorney

\_\_\_\_\_ Youth Court Judge

\_\_\_\_\_ Welfare

\_\_\_\_\_ Others (Please specify.) \_\_\_\_\_

3. Did you feel that this policy was usually followed by law enforcement agencies in your jurisdiction during the last 12 months?

Yes \_\_\_\_\_ Please skip to Part B.

No \_\_\_\_\_ Please move on to Question 4.



4. If you feel that law enforcement did not usually follow detention policies within the last 12 months, we would appreciate more information on this situation.

In what ways do you believe these policies were not followed?	Why do you believe these policies were not followed?	What do you think needs to be done to improve the situation?
a.	a.	a.
b.	b.	b.
c.	c.	c.
d.	d.	d.



B. We are interested in knowing how many detention decisions were made by your department and law enforcement agencies within the last 12 months in your jurisdiction. Further, it would be helpful to know if these numbers are based on estimates or information from your records.

1. First, how many youth were detained in your jurisdiction during the last 12 months?

#\_\_\_\_\_ youth

2. Of these youth, how many detention decisions were there made by your department?

#\_\_\_\_\_ youth

3. Of the remaining youth, how many detention decisions were there made by law enforcement?

#\_\_\_\_\_ youth

4. Were the answers given in questions 1, 2, & 3 based on estimates or on information from your records. (Please check the one that applies.)

Estimate \_\_\_\_\_

Information from records \_\_\_\_\_

5. How do you feel about law enforcement making detention decisions in your jurisdiction? Do you approve or disapprove or what? (Please circle the number above the statement that best matches your opinion.)

1

2

3

strongly disapprove

disapprove

neither

4

5

approve

strongly approve



- C. If law enforcement made any of the decisions to detain youth during the last 12 months, we would like your opinions regarding some of the following reasons for this.

For each item listed, circle the one response which comes closest to matching your opinion: For example, if you feel that it is "not at all important", circle the #1; if you feel it is "moderately important", circle the #3; if it is "extremely important", circle the #5; and if your opinion falls somewhere inbetween those categories, circle the appropriate number on the scale.

Not at all Important    Moderately Important    Extremely Important  
----- 1 ----- 2 ----- 3 ----- 4 ----- 5 -----

1. It is difficult for the probation staff to respond after working hours. 1 2 3 4 5
2. It is difficult for the probation staff to respond during week-ends. 1 2 3 4 5
3. It is difficult for the probation staff to respond on holidays. 1 2 3 4 5
4. There are not enough probation staff to cover all hours of the day. 1 2 3 4 5
5. It is difficult for the probation staff to respond in rural areas. 1 2 3 4 5
6. Other reasons (please specify.)
  - a. \_\_\_\_\_ 1 2 3 4 5  
\_\_\_\_\_
  - b. \_\_\_\_\_ 1 2 3 4 5  
\_\_\_\_\_



D. If law enforcement made any of the decisions to detain youth during the last 12 months, would you please check the one statement under #1 that most accurately reflects when law enforcement generally notified your department of that decision. We also realize that there may be exceptions to this that may have delayed the notification. Therefore, under #2, we have a list of possible exceptions. If you feel that any of these may apply to you, then check the appropriate exception(s).

For example, if law enforcement generally notified your department within 24 hours of a detention decision except on week-ends or in rural areas, then you would check "within 24 hours after detaining" under #1, and check "on weekends" and in rural areas" under #2.

1. When did law enforcement generally notify you of a detention decision within the last 12 months. (Please check the one statement that best fits your situation.)	2. Now that you have indicated the general practice of law enforcement's notifying your department, would you please mark the exceptions to this rule that may apply.	On weekends On holidays After regular work hours In rural areas In the cities With certain law enforcement agencies With certain law enforcement personnel. Other (Please Specify) _____ _____ _____
---	---	--





- E. "Twenty-four hour intake" is defined as a procedure wherein the probation department develops a means for conducting intake interviews with youth immediately (within a few hours and at anytime) after they are referred either by law enforcement or some other source, for example, parents. It is the probation officer who conducts the intake interview with the youth and decides what will be done immediately with the youth. For example, with a 24-hour intake procedure, the probation officer and no one else may decide to return the youth home or to detain him/her overnight.

The following questions are designed to find out how many probation departments have a 24-hour intake procedure and how many do not. We also want to know if this procedure is desirable or realistic.

1. Did your probation department have a 24-hour intake procedure operating at any time during the last 12 months?  
  
Yes \_\_\_\_\_ Please skip to question #3.  
No \_\_\_\_\_ Please move to question #2.
2. Is your probation department planning to develop a 24-hour intake procedure at any time during the next 12 months?  
  
Yes \_\_\_\_\_ Please move to question #3.  
No \_\_\_\_\_ Please skip to question #4.
3. If you had operated a 24-hour intake procedure or are planning to develop one, we would like to know how it was operated or how you plan to operate it. Please check the one statement that most accurately reflects the type of procedure that you have been operating or plan to operate.  
  
\_\_\_\_\_ 24-Hour intake with a probation officer physically present on a 24-hour basis to conduct intake interviews.  
  
\_\_\_\_\_ 24-Hour intake with a probation officer who can be called to conduct intake interviews.  
  
\_\_\_\_\_ Probation officer who is on call and can be contacted by phone to conduct an intake interview over the phone on a 24-hour basis.  
  
\_\_\_\_\_ Other(Please specify.) \_\_\_\_\_  
  
\_\_\_\_\_

4. If your department does not have or is not planning to develop a 24-hour intake procedure, we would be interested in why this is the case. A number of statements are listed below, all of which deal with reasons for not developing a 24-hour intake procedure. Please read each statement and indicate your honest and candid reaction -- that is, do you agree or disagree, or what? Circle the number of the one response that comes closest to matching your opinion, based on the following scale:

1 = Strongly Disagree (SD)

2 = Disagree (D)

3 = Neither (N)

4 = Agree (A)

5 = Strongly Agree (SA)

	SD	D	N	A	SA
a. It is usually not necessary to contact a youth right after he or she has been apprehended	1	2	3	4	5
b. We do not have the staff to handle a 24-hour intake procedure	1	2	3	4	5
c. Distances are too great to have a 24-hour intake procedure	1	2	3	4	5
d. Law enforcement is usually able to make the right detention decision	1	2	3	4	5
e. Law enforcement, rather than the probation department, should be responsible for making the detention decision	1	2	3	4	5
f. Other (Please specify.)					

_____	1	2	3	4	5
_____					

- F. This is the final section of this questionnaire and we want to thank you for bearing with us so far. The earlier parts of the questionnaire dealt with who made the decisions to detain and for what reasons. In this section we would like to explore with you the concept of detention hearings and whether or not they are realistic or practical.

A detention hearing is referred to as a hearing where it is decided if detention should be continued or not and occurs between the time the youth is detained and when a disposition is made by the youth court judge or probation officer. We realize that such a procedure is not required by law, but that some jurisdictions may have such a procedure.

1. During the last 12 months, did your department conduct any detention hearings?

Yes \_\_\_\_\_ Please move to question #2.

No \_\_\_\_\_ Please skip to question #3.

2. If any detention hearings were conducted, we are interested in knowing the total number of youth who had detention hearings.

Total # of youth detained during the last 12 months who had detention hearings: \_\_\_\_\_

3. Whether or not detention hearings were conducted in your jurisdiction during the last 12 months, we are interested in your opinions about detention hearings. Listed are a number of statements regarding detention hearings and we would like you to indicate your reaction to each one -- do you agree, disagree, or what?

For each statement listed, circle the one response that comes closest to matching your opinion, based on the scale:

1 = Strongly Disagree (SD)

2 = Disagree (D)

3 = Neither (N)

4 = Agree (A)

5 = Strongly Agree (SA)

	SD	D	N	A	SA
a. There is no need for a detention hearing since youth are detained for a short time generally.	1	2	3	4	5
b. There is no need for a detention hearing because youth will be released at the appropriate time.	1	2	3	4	5
c. There is no need for a detention hearing because youth will only "use" it to their own advantage.	1	2	3	4	5
d. If detention hearings were held, the youth court judge should preside.	1	2	3	4	5
e. If detention hearings were held, the chief probation officer should preside.	1	2	3	4	5
f. If detention hearings were held, the youth should have legal counsel present.	1	2	3	4	5
g. There should be a detention hearing for all youth held for 24-hours.	1	2	3	4	5
h. There should be a detention hearing for all youth held for 72 hours.	1	2	3	4	5
i. It is impractical to have detention hearings with the youth court judge presiding in rural areas.	1	2	3	4	5
j. It is impractical to have detention hearings with the chief probation officer presiding in rural areas.	1	2	3	4	5
k. It is not practical to have detention hearings in rural areas.	1	2	3	4	5
l. It is really only necessary for the probation officer to make the decision to release the youth from detention since he is the person most familiar with the case anyway.	1	2	3	4	5
m. If detention hearings were held, the main basis for determining if a youth should be released is the youth's attitude.	1	2	3	4	5

- |  | SD | D | N | A | SA |
|--|----|---|---|---|----|
| n. If detention hearings were held, the main basis for determining if a youth should be released is whether or not the youth committed the offense in question.      | 1  | 2 | 3 | 4 | 5  |
| o. If detention hearings were held, the main basis for determining if a youth should be released is whether or not the youth can be released to a responsible adult. | 1  | 2 | 3 | 4 | 5  |
| p. If detention hearings were held, the parents or guardians should always be present, if possible.  | 1  | 2 | 3 | 4 | 5  |
| q. A detention hearing should be held for all youth detained who are accused of committing major offenses.   | 1  | 2 | 3 | 4 | 5  |
| r. A detention hearing should be held for all youth who are detained, regardless of the type of alleged offenses.  | 1  | 2 | 3 | 4 | 5  |
| s. A detention hearing is necessary to protect the rights of youth detained.   | 1  | 2 | 3 | 4 | 5  |
| t. If detention hearings were held, the youth court judge should appoint a qualified neutral referee from the community to preside.                                  | 1  | 2 | 3 | 4 | 5  |
| u. Juveniles should be afforded the right to bail, just like adults.   | 1  | 2 | 3 | 4 | 5  |
| v. Other opinions about detention hearings (Please specify.)   |    |   |   |   |    |

_____					
_____	1	2	3	4	5
_____					
_____	1	2	3	4	5

Again, thank you for taking some time out of your day to answer these questions. It is our hope that the information we gain will allow us to develop a better understanding of your feelings, attitudes, preferences, and problems in relation to detention of juveniles.

(excerpt from thesis by John H. Wilkinson  
University of Denver, May 1976)

## PRESENTATION OF FINDINGS

The purpose of this chapter is to present and to discuss findings. The material is organized as follows: first are the findings related to the attitude scales; second are the findings on the hypothetical situations involving shifts from today's detention decisions to preferred predispositional placement of youth; and, third is a summary of the data collected from Chief Probation Officers (C.P.O.s) regarding practices, policies, and attitudes toward a number of aspects of detention.

### PART I: ATTITUDES TOWARD DETENTION AND EMERGENCY PLACEMENT

Before reporting on the findings, some clarification is necessary. The terms shelter care and emergency placement will be used interchangeably. The former is more generic while the latter has been used more commonly in Montana.

Most of the data reported in Part I are in the form of tables. These tables are reproductions of computer

print-outs of the CRUSSTABS subprogram from the Statistical Package for Social Sciences (SPSS) program. For those persons who are unfamiliar with the format, the following should be kept in mind. The variable number, which appears as VAR, merely identifies the variable. Within each cell of a table are four numbers which are: (1) the number of individuals responding; (2) the row percentage; (3) the column percentage; and, (4) that particular cell's percentage of the total cells. However, the critical values for this analysis are the number of individuals responding and the column percentages. The numbers appearing down the stub of the tables are the classes under which scale scores have been grouped.

At the bottom of each table two values appear, Chi Square and Gamma. Chi Square indicates the level of significance of the observed association between the two variables. Chi Square values with a probability less than or equal to .05 are considered significant. Gamma is a measure of the correlation between the two variables. In interpreting Gamma, the following conventions have been observed:<sup>1</sup>

+ .70 or higher	A very strong positive association
+ .50 to + .69	A substantial positive association
+ .30 to + .49	A moderate positive association
+ .10 to + .29	A low positive association
+ .01 to + .09	A negligible positive association
.00	No association
- .01 to - .09	A negligible negative association
- .10 to - .29	A low negative association
- .30 to - .49	A moderate negative association
- .50 to - .69	A substantial negative association
- .70 or higher	A very strong negative association

## OBJECTIVES OF EMERGENCY PLACEMENT AND DETENTION

The Objectives of Emergency Placement Scale and the Objectives of Detention Scale measured the respondent's perception of what detention and shelter care can realistically achieve. In other words, how discriminating was the respondent in his or her views regarding the objectives of detention or shelter care. A high score was obtained by registering indiscriminating approval of a disparate set of objectives of detention or of shelter care. Respondents who were selective in their approval of particular objectives scored low on each of these scales. These respondents recognized that detention and shelter care can only achieve a limited number of aims.

A given system of treatment or care can be effective only within certain limits. If a decision maker were to perceive that system of care or treatment as being effective beyond those limits, i.e., being able to do all things for all youth, then excessive placement of youth could result. This would be especially true if adequate safeguards against wholesale placements were not intact.

Since all groups of respondents were administered this questionnaire, it was felt that analysis would be better facilitated by combining all law enforcement personnel together as one group and Aftercare Counselors, S.R.S. caseworkers, and Probation Officers together as another group. This latter group was referred to as Social



Services.

Table 17 indicates there was a moderately negative relationship between these groups (-.42). Law Enforcement showed a tendency toward undiscriminating views on the Objectives of Detention Scale and Social Services indicated a higher level of discrimination.

There was no significant relationship between Law Enforcement and Social Services on the Objectives of Shelter Care Scale. Furthermore, when these two scales were compared with county size, no significant relationship resulted.

In terms of the Objectives of Detention Scale, the finding was in keeping with the expectation that those not having an orientation toward treatment and rehabilitation would be less discriminating or clear about those objectives. The lack of a significant relationship on the Objectives of Emergency Placement Scale was not in keeping with expectations since the same basic principles should have applied in emergency placement decisions as in detention decisions.

#### INFORMATION NECESSARY TO MAKE DETENTION AND SHELTER CARE DECISIONS

There are several ways of viewing the dimension measured in this scale. It was found that after item analysis was completed the retained information items were characterized as being extra-legal in nature. That is, a high score would seem to indicate that the decision maker would consider as

Table 17

***** C R O S S T A B U L A T I O N O F				
***** V A R I O S O B J E C T I V E S O F D E T E N T I O N			***** B Y A G E N C Y	
*****				
		A G E N C Y		
	COUNT	LAW ENFO	SOCIAL S	ROW
	ROW %	IRCEMENT	ERVICE	TOTAL
	COL %			
	TOT %	1	2	
V A R I O S	1	23	44	67
		34.3	65.7	58.3
		46.0	67.7	
		20.0	38.3	
	2	27	21	48
		56.3	43.8	41.7
		54.0	32.3	
		23.5	18.3	
	COLUMN	50	65	115
	TOTAL	43.5	56.5	100.0
CORRECTED CHI SQUARE = 4.61294 WITH 1 DEGREE OF FREEDOM				
GAMMA = .0.42190				

SIGNIFICANCE = .05

important information not specifically related to the offense or situation in question. In some respects, this scale was similar to the previous one, i.e., how discriminating the respondent was in terms of critical information, as opposed to viewing all sorts of information as being important. Therefore, for purposes of this explication, a high score indicated an indiscriminating view of what information is necessary of an extra-legal nature in making detention and emergency placement decisions, while a low score would indicate a discriminating view of information of an extra-legal nature in making the above decisions.

When making detention and shelter care decisions, it is important to look beyond simply the offense. For example, returning a runaway home without considering what factors within the home might have caused the youth to run away would be negligent. However, an over-concern with social factors (or extra-legal factors) is indicative of stereotyping behavior. For example, if a decision maker thought that the source of the parents' income, like public assistance, was important in making detention and shelter care decisions, the likelihood of that being a fairly spurious piece of information would be high.

The scale on detention information was administered to law enforcement and corrections, while the scale on emergency placement information was administered to corrections

Table 18

\*\*\*\*\* C R O S S T A B U L A T I O N   O F   \*  
 VAR104   INFORMATION NECESSARY TO DETAIN   BY   AGENCY  
 \*\*\*\*\*

		AGENCY			
		COUNT			ROW
		1	LAW	ENFORCE-	TOTAL
		COL %	MENT	CORREC-	
		TOT %	I TIONS		
VAR104	1	1	2	1	3
		1	66.7	1	33.3
		1	4.0	1	2.3
		1	2.1	1	1.1
		-----			
	2	1	4	1	14
		1	22.2	1	77.8
		1	8.0	1	31.8
		1	4.3	1	14.9
		-----			
	3	1	14	1	18
		1	43.8	1	56.3
		1	28.0	1	40.9
		1	14.9	1	19.1
		-----			
	4	1	16	1	8
		1	66.7	1	33.3
		1	32.0	1	19.2
		1	17.0	1	8.5
		-----			
	5	1	14	1	3
		1	82.4	1	17.6
		1	28.0	1	6.8
		1	14.9	1	3.2
		-----			
COLUMN		50		44	
TOTAL		53.2		46.8	
				94	
				100.0	

CHI SQUARE = 15.85482 WITH 4 DEGREES OF FREEDOM   SIGNIFICANCE = 0.0032  
 GAMMA = -0.53023

and S.R.S. caseworkers. Table 18 indicates that there was a substantial negative association between law enforcement and corrections in terms of Information Necessary to Make Detention Decisions with a Gamma of  $-.53$  and a Chi Square at the  $.003$  level of significance. Law enforcement, therefore, tended to use extra-legal information indiscriminately when making these decisions, whereas corrections tended to use such information more selectively.

County size had little bearing in terms of information for detention decisions.

Table 19, Information Necessary for making Emergency Placement Decisions Scale, indicated a very strong relationship between corrections and S.R.S. caseworkers ( $.71$ ). Caseworkers tended to score very high (76.2% in the highest range) while corrections tended to score substantially lower.

This is difficult to explain, but may partially be grounded in the fact that even though the questionnaire referred to youths aged 10-17, the preponderant number of emergency care placements occur with youths under that age. Therefore, with a more protective orientation, the S.R.S. caseworker may have a tendency to be overly cautious so as to avoid further exploitation of the child. However, such an orientation may also be indicative of an overly protective attitude. The disproportionately high percentage of youth in foster care in Montana provides some justification for this interpretation.

Table 19

\*\*\*\*\* C R O S S T A B U L A T I O N   O F   \*  
 VAR107   INFO NEEDED FOR EMERGENCY PLACEMENT   BY   AGENCY  
 \*\*\*\*\*

		AGENCY				ROW TOTAL
COUNT	I			SRS		
ROW %	I			CASE-		
COL %	I	CORREC-	I	WORKERS	I	
TOT %	I	TIONS	I			
VAR107	-----I-----I-----I					
1	I	12	I	1	I	13
	I	92.3	I	7.7	I	20.0
	I	27.3	I	4.8	I	
	I	18.5	I	1.5	I	
	-----I-----I-----I					
2	I	18	I	4	I	22
	I	81.8	I	18.2	I	33.8
	I	40.9	I	19.0	I	
	I	27.7	I	5.2	I	
	-----I-----I-----I					
3	I	14	I	16	I	30
	I	46.7	I	53.3	I	46.2
	I	31.8	I	76.2	I	
	I	21.5	I	24.6	I	
	-----I-----I-----I					
COLUMN		44		21		65
TOTAL		67.7		32.3		100.0

CHI SQUARE = 11.67323 WITH 2 DEGREES OF FREEDOM SIGNIFICANCE = 0.0029  
 GAMMA = 0.71479

Table 20

***** C R O S S T A B U L A T I O N O F									
VAR104 INFORMATION NECESSARY TO DETAIN BY SIZE									
*****									
	COUNT	SIZE							
	ROW %	LARGE	MEDIUM	SMALL	ROW				
	COL %				TOTAL				
	TOT %								
VAR104			1I	2I	3I				
	1	14	3	4	21				
		66.7	14.3	19.0	22.3				
		34.1	13.6	12.9					
		14.4	5.2	8.3					
	2	15	5	12	32				
		46.9	15.6	37.5	34.0				
		36.6	22.7	38.7					
		16.0	5.3	12.8					
	3	12	14	15	41				
		29.3	34.1	36.6	43.6				
		29.3	63.6	48.4					
		12.8	14.9	16.0					
	COLUMN								
	TOTAL	41	22	31	94				
		43.6	23.4	33.0	100.0				
CHI SQUARE = 9.76200 WITH 4 DEGREES OF FREEDOM SIGNIFICANCE = 0.044									
GAMMA = 0.31944									

Table 20 which breaks this attitude out by county size sheds some additional light. There was a moderate negative association, (.32), indicating that the medium and small sized counties tended to be less discriminating in terms of extra-legal information when making emergency placement decisions than the smaller counties. Caseworkers in medium and small counties, one might conclude, tended to be the least discriminating on this measure. In smaller counties there may be some reluctance or inability to work more closely with parents, thus leaving the door open to stereotyping behavior. At issue may also be level of training and education and its effects on placement decisions.

#### OPINIONS ON DETENTION AND SHELTER CARE

These scales fairly clearly measured the dimension of security orientation. In other words, the decision maker who scored high on this dimension would very likely tend to place a youth in detention prior to consideration of less secure placements.

Table 21 compared law enforcement and corrections on this measure. This table shows the highest degree of association thus far encountered. Law enforcement, predictably, scored very high in terms of security orientation while corrections scored fairly low. The Chi Square was significant beyond the .001 level and was further reinforced by a Gamma of  $-.77$  indicating a very strong negative association.



Table 21

\*\*\*\*\* C R O S S T A B U L A T I O N O F \*  
 VAR108 OPINIONS ON DETENTION BY AGENCY  
 \*\*\*\*\*

VAR108	AGENCY				ROW TOTAL
	COUNT	LAW ENFORCE- MENT		CORREC- TIONS	
	ROW %				
	CUL %				
1	TOT %				23 24.5
	4			19	
	17.4			82.6	
	8.0			43.2	
2	4.3			20.2	31 33.0
	13			18	
	41.9			58.1	
	26.0			40.9	
3	13.9			10.1	40 42.6
	33			7	
	82.5			17.5	
	66.0			15.9	
TOTAL	35.1			7.1	50 53.2
	50			44	
	53.2			46.8	
	100.0			100.0	

CHI SQUARE = 27.21697 WITH 2 DEGREES OF FREEDOM SIGNIFICANCE = 0.0000  
 GAMMA = -0.76974

The major policy implication of this finding is the propriety of law enforcement to making detention decisions. Further, if correctional personnel are using information supplied by law enforcement as the primary basis for making a determination on detention, they should be guarded as to law enforcement's orientation.

Corrections and S.R.S. caseworkers were independent of one another on security orientation in relation to emergency placement decisions. They both showed a moderate security orientation in terms of their overall scores. There was no relationship in terms of county size.

#### INTERRELATIONSHIP OF SCALES

Comparisons between scales were made in order to determine whether there was a relationship between them. There were three scales that intercorrelated with one another, i.e., indicating that a given respondent's score on one scale would predict the respondent's score on another scale. The Information Necessary to Detain Scale had a very high positive relationship with the Information Necessary to Make Emergency Placement Decisions Scale (+.75). Therefore, if a respondent tended to be indiscriminating in the Information Considered Necessary When Making Detention Decision Scale, for example, he would likewise be indiscriminating when making emergency placement decisions.

There was a moderately positive relationship between

the Information Necessary to Make Detention Decisions Scale and the Objectives of Detention Scale (.49). One might infer that since both scales measure discrimination that a respondent, for example, who was selective in his approval of particular objectives of detention, would also be selective in information used in determining if a youth should be placed in detention.

Finally, there was a substantial positive relationship between the Information Necessary to Make Emergency Placements Scale and the Objectives of Detention Scale (.65). This suggests that by viewing the other two sets of comparisons an inference could be made that those primarily from social services tend to be selective in the same manner on information and objectives irrespective of shelter care or detention.

Since the three scales measure discrimination of perception of placement objectives or information relevant to placement decisions, the observed intercorrelations of these three scales were to be expected. Furthermore, the differences in the three correlations may be attributed to the differential homogeneity of the sub-samples upon which the correlations were based. The lowest correlation (.49) is based on the scores of law enforcement and correctional staffs; the next correlation (.65) is based on the scores of corrections and S.R.S. caseworkers; and the highest correlation (.75) was based on the scores of correctional staff only.

## SUMMARY

In general, the relationships between scale measures and agencies proved to be moderate to very strong. Size of county proved not to be a very good predictor of responses on dimensions, but in one instance, shed additional light on agency relationships. However, the lack of relationship between county size and response served to further reinforce agency roles in decision making.

As expected, law enforcement scored highest on all dimensions (except on the Objectives of Shelter Care Scale) since their training and orientation are in the direction of enforcement and security. However, if correctional and social service agencies abdicate their responsibilities to law enforcement, then appropriate predispositional placements would likely not be the rule.

One finding of some interest was the degree to which social services relied on extra-legal kinds of information in making emergency placement decisions. Perhaps the lack of written criteria for making such decisions is an additional factor that should be considered in terms of policy. In rural areas there may be a need for intensive staff development on emergency placements.

Another point in relation to this phenomenon is social workers' orientation to "inputs" versus "outputs". In general, social workers are, by training, sensitized to factors that have a bearing on social dysfunctioning. For

example, if factors X,Y, and Z are present (inputs) then a certain situation might result, which necessitates a given intervention. However, a different orientation is necessary for emergency placement decisions since the nature of that intervention is in itself a traumatic one to the child and family. Therefore, greater focus needs to be made on "outputs". In other words, criteria need to be developed that in effect state that unless, for example, a given child will be further exploited, act-out, or run away (outputs), then an emergency placement will not be beneficial. Perhaps, the data do not directly support these conclusions, but there is little question that caseworkers as a whole are overconcerned with input type data in making shelter care decisions.

## PART II: CASE SITUATIONS

### INVOLVING HYPOTHETICAL YOUTH

The hypothesis on this part of the questionnaire was that probation officers would not significantly shift from detention to shelter care predispositional alternatives (or vice versa) if given the opportunity to do so. The methods utilized in design of the questionnaire and analysis of data were explicated in the previous chapter.

However, the reader should keep in mind certain limitations to these findings. First is the question of hypothetical versus real situations. Presented in these situations

were youth identified by seven factors, none of which we were certain were critical factors affecting decisions. Second, there is an inherent limitation in even asserting there would be a shift from detention to shelter care in the first place. Youth originally placed in detention may need detention and the same with shelter care. But the analysis in Chapter II indicated that Montana ranked fairly high in terms of detention rates nationally, thus leaving the door open as to why.

There are two schools of thought on this subject, neither of which are incompatible. The first states that the reason excessive numbers of juveniles are detained in jail is because no suitable placement alternatives exist. The second school asserts, however, that even given a greater number of alternatives, detention practices will not change because the system that detains juveniles, i.e., law enforcement and probation have not changed.

Therefore, the instrument administered to probation officers tested these assumptions through a format that gave the probation officer an opportunity to change placement patterns.

The findings indicated there was no statistically significant shift. The following is the range of scores of the 27 probation officers who responded to this section. Again, a negative score indicated a shift toward shelter care, while a positive score was a shift toward detention.

<u>Scores</u>	<u>Number of Probation Officers</u>	
-6	0	
-5	0	
-4	2	Total shelter care
-3	3	shifts: 14
-2	5	
-1	4	
0	4	No change: 4
+1	2	
+2	1	
+3	3	Total detention
+4	1	shifts: 9
+5	1	
+6	1	

A Chi Square test of significance for single samples yielded the following:

Shelter Care Shift	Detention Shift
<u>Score</u>	<u>Score</u>
$\leq 0$ 16	$\geq 0$ 11

Chi Square .85 with 1 degree of freedom at the .30 level of significance.

Therefore, the null hypothesis of no significant change was supported even though five more probation officers shifted toward shelter care alternatives than detention alternatives.

### PART III: PRACTICES, POLICIES AND ATTITUDES TOWARD DETENTION

This section will briefly report on the findings of the questionnaire mailed to seventeen Chief Probation Officers.

Sixteen of these were returned. The reader is encouraged to consult the complete questionnaire in Appendix C.

Fifty percent reported that their detention policies were written and the other forty percent said they were not. However, most of those who said their policy was unwritten stated that they used the Montana Youth Court Act, section on Places of Detention as their guide. Some written policies did not go much beyond this, other than to put that section of the Act in procedural terms. (See Chapter III for a statement of Section 10-1214.)

The following is a breakdown of those agencies involved in the development of detention policies in the seventeen reporting districts.

AGENCIES INVOLVED IN  
DEVELOPING DETENTION POLICY

<u>Agency</u>	<u># of Judicial Districts</u>
Probation	15
Youth Court Judge	13
District Attorney	8
Law Enforcement	7
Welfare	3
Other	4

Most judicial districts involved probation and youth court judges in development of detention policies, with the others listed in descending order. All Chief Probation Officers except one felt that the resultant policy had usually been followed by law enforcement during the previous 12 months.



On the questions pertaining to numbers of youth detained and by whom, four of the sixteen Chief Probation Officers (C.P.O.s) opted not to respond, even though estimates were requested, largely because they had not received 1975 juvenile data from the Board of Crime Control. Twelve C.P.O.s reported detaining a total of 2,447 youth, or an average of 204 youth per judicial district. However, the spread in judicial districts was from 10 youth to 944 youth. Of those total youth, 2,021 or 83% of detention decisions were made by probation, and 426 or 17% of decisions were made by law enforcement. Seven judicial districts reported that law enforcement made no detention decisions. Frankly, it was expected that law enforcement would have played a greater role in detention decisions. An interesting cross check on this finding would be to conduct a survey of jail census data to determine if significant numbers of youth were detained without probation's knowledge.

If a C.P.O. reported that law enforcement made any detention decisions, he was asked for his opinion as to why this was the case. Seventy-five percent, or 6 of the 8 C.P.O.s responding, felt that difficulties in responding after working hours, during week-ends, and on holidays were relatively unimportant reasons. However, they were fairly evenly divided between important and unimportant on not having enough probation staff to cover all hours of the day and difficulties in responding in rural areas as reasons for law

enforcement making detention decisions.

Five Chief Probation Officers (C.P.O.s) in jurisdictions where law enforcement made detention decisions indicated that law enforcement usually notified them prior to detaining a youth and two stated that notification usually came within twenty-four hours. One C.P.O. indicated notification usually occurred forty-eight hours after detention.

However, another question on exceptions to this usual practice was asked. The respondent was not restricted to one exception. Therefore, the exceptions exceeded eight. The following summarizes those exceptions to the usual notification procedure.

Certain law enforcement agencies.....	4
Certain law enforcement personnel.....	4
On week-ends or on holidays.....	3
No exceptions.....	2
Other:	
Lack of qualified help on some shifts.....	1
New officers' lack of knowledge of procedure.....	1

On the whole, C.P.O.s were satisfied with law enforcement's practice of notifying them of detained youth with eight C.P.O.s being either satisfied or very satisfied. One was very dissatisfied, two were neither satisfied or dissatisfied, and five C.P.O.s elected not to respond.

Fifteen of the sixteen C.P.O.s indicated they operated some form of twenty-four hour intake procedure. The other C.P.O. was planning to develop a twenty-four hour intake procedure.

When queried as to what type of procedure they utilized, eight Chief Probation Officers (C.P.O.s) responded that they utilized a probation officer on call who could be contacted by telephone to conduct an intake interview over the telephone on a twenty-four hour basis. Five C.P.O.s indicated they had twenty-four hour intake with a probation officer who could be called to conduct intake interviews. Two C.P.O.s said they operated a procedure that combined the above two. None of the respondents operated twenty-four hour intake with a probation officer physically present on a twenty-four hour basis to conduct intake interviews.

It should be noted that this last type of intake procedure is the most common in urban areas. However, in Montana's rural areas, such a procedure would be difficult to institute.

It would be helpful to summarize findings thus far. First, it appears that detention policies varied widely, ranging from highly formalistic written policies to general "rules of thumb". Some jurisdictions had involvement with a number of other agencies in developing their policy, while most involved their probation department and the youth court judge. However, there was no clear-cut pattern on who was involved in policy development.

There was wide variation on numbers of youth detained. It was apparent that the majority of detention decisions were made by probation, rather than by law enforcement. However,

the only two reasons for law enforcement making detention decisions that were even marginally significant related to inadequate manpower and difficulties in responding in rural areas.

The primary mode of law enforcement's notification of detained youth was prior to detaining, but major exceptions related to certain law enforcement personnel and agencies. Twenty-four hour intake procedures were reported in use by nearly all probation departments, but were predominately the type where the decision was made over the telephone by a probation officer on call. A point deserving further study is to whom the probation officer speaks when conducting an intake interview over the telephone. If only the arresting officer was spoken to in most cases, then some problems could result as was brought in the Findings section on the Attitude Scale.

Nine Chief Probation Officers (C.P.O.s) reported that they conducted detention hearings in their jurisdictions of some kind during the past twelve months. It is not known what specific procedures were utilized. However, the percentage of youth detained who actually had a detention hearing ranged from 1% in one judicial district to 100% in another. Seven judicial districts reported having no detention hearing procedure. Therefore, one must infer that a system of detention hearings is largely non-existent; but this is balanced

by the fact that law does not require they be held except after a petition has been filed.

### Attitudes toward Detention Hearings

The last part of the questionnaire was a pool of attitude items relating to detention hearings. The sample was not large enough to justify item analysis, but in effect six categories of issues were addressed. What follows, then, is a statement of that issue with an analysis of how Chief Probation Officers (C.P.O.s) generally replied.

Again, in Likert-type scales, scores range from 1 (strongly disagree) to 5 (strongly agree), with a midpoint of 3 indicating there is neither disagreement nor agreement. However, when reporting aggregate scores, a score within the 3 range usually meant that C.P.O.s were quite divided on a given issue with a number in the disagree range and a like number in the agree range. Therefore, percentages will also be reported where helpful to aid in the presentation.

Are detention hearings necessary? By averaging the responses to the four questions relating to this issue, it was found that generally more C.P.O.s were in favor of detention hearings (47%) than were against (32%) or neutral to them (21%). The average score for the four items was 3.35 indicating a slight inclination to favor detention hearings.

Who should preside at detention hearings if they were held? Three questions were asked. Chief Probation Officers

clearly did not favor appointing a neutral referee. The score of 2.0 placed that squarely in the disagree range. However, neither did Chief Probation Officers (C.P.O.s) strongly favor themselves (2.38) or youth court judges (2.93) to conduct detention hearings. However, percentage-wise, more C.P.O.s favored judges (53%) than any of the other two groups.

What rights should juveniles have in detention hearings? Sixty-nine percent agree that youth should have legal counsel present if detention hearings were held, and nearly all agreed (94%) that juveniles should have their parents or guardians present if possible. Opinions were divided on the questions that detention hearings were necessary to protect the rights of detained youth and that bail should be afforded to juveniles just like adults.

Within what periods of time should detention hearings be held and for what types of youth? Opinion was evenly divided on detention hearings being held within twenty-four hours (3.06), but tended to agree (3.43) that they should be held for all youth held for seventy-two hours. Opinion was fairly evenly divided on hearings for youth who are accused of committing major offenses, but tended to disagree with the idea that detention hearings should be held for all youth regardless of offense (2.63).

What criteria should be employed for releasing a youth from detention? C.P.O.s indicated that the youth's attitude (2.06) and whether or not they had committed the offense in question (1.5)

should not be the main bases for determining release from detention. They were fairly evenly divided on release to a responsible adult being the main basis for release from detention (3.27). Some Chief Probation Officers (C.P.O.s) added criteria of a youth not absconding or being a threat to himself or others as the principle reasons for determining if a youth should be released.

How practical are detention hearings in rural areas? The three questions that addressed this issue failed to resolve what preferences there might have been. The average score of 3.13 reflects this ambiguity. The item C.P.O.s least favorably reacted to was the notion of the youth court judge presiding in rural areas.

The data indicated fairly clearly that overall C.P.O.s were quite divided on almost every issue surrounding detention hearings. Major exceptions to this were the juvenile's right to legal counsel and that parents or guardians should be present if detention hearings were to be held. But this if seems to be a rather sizeable one since the initiation of a detention hearing procedure would, in almost all judicial districts, introduce a substantial change in current practices.

APPENDIX 3

JAIL COSTS IN MONTANA

Prepared for: The Detention and Shelter Care Study  
By: Ann Groff, Research Specialist

OFFICE OF BUDGET AND PROGRAM PLANNING

RESEARCH UNIT

April 19, 1976



One expense excluded from consideration was the jail building. Most of the counties have very old jails, with little cost attached. If these figures were to be included, the cost per prisoner would be slightly higher.

Outside factors also affect cost estimates. For example, considerable cost variation is due to methods of service delivery such as medical services. In some counties a county physician is hired to handle cases dealing with the poor in that county and he is expected to handle the medical needs of the prisoners, but he is not paid to handle the medical needs of the prisoners. In other counties a sick prisoner is taken to the hospital or doctor and the bill is paid out of the sheriff's operations budget. Some counties also allot money for medical expenses in the Care of Prisoners budget.

Another factor that affects the cost per prisoner day is the number of people incarcerated and the period of time they are locked up. In the smaller counties where few people are jailed, the cost per day is high since the jail facility must be maintained whether used or not. Thus, the large counties tend to exhibit lower jail costs since their use factor is higher.

There are limitations on the figures that were arrived at in this research. Yet, hopefully, the statistics that follow will point out to the reader that it is costing more to incarcerate people than the standard figure of \$5.00 a day. Even without including utility cost, the average cost is above \$14.00 a day; with the utility costs it is over \$16.00 a day.

YELLOWSTONE COUNTY

GROUP 1 - population 30,000 and up

Budget Breakdown of Jail Costs:

PERSONNEL

Jail personnel	\$ 84,600.00
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MAINTENANCE AND OPERATION

Food	\$ 30,000.00
Operations	5,000.00
Medical	10,000.00

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Sub-total	\$ 45,000.00
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OTHER

<u>Utilities</u> <sup>1</sup>	
Montana Power (estimated)	\$ 3,000.00
Montana-Dakota Utilities (estimated)	\$ 15,428.52

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Sub-total	\$ 18,428.52
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GRAND TOTAL	<u>\$ 148,028.52</u>
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Number of <u>prisoner days</u> for FY 74-75: <sup>2</sup>	<u>20,498</u>
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<u>Cost</u> per prisoner day <sup>3</sup>	<u>\$ 7.22</u>
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<sup>1</sup> This estimate was arrived at with the county Clerk and Records office, per phone conversation on March 30, 1976. This is a pro-rated figure taking into consideration the average utility costs and the space occupied by the jail.

<sup>2</sup> This figure was received from the head jailer in Yellowstone County.

<sup>3</sup> This figure was determined by dividing the number of prisoner days into the total cost.

MISSOULA COUNTY

GROUP 1 - population 30,000 and up.

Budget Breakdown of Jail Costs:

PERSONNEL

Jail personnel (including cook)	\$177,103.00
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MAINTENANCE AND OPERATION

Prisoner medical	4,440.00
Supplies and repairs	3,816.89
Food	17,321.10
Clothing and Bedding	1,795.40
Jail Upgrading	2,054.52
Sub-total	29,427.91

OTHER

<u>Utilities</u>	
Gas and electric (estimated) <sup>1</sup>	\$ 6,000.00

GRAND TOTAL	\$212,530.91
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Number of <u>prisoners</u> during FY 74-75:	<u>2,692</u>
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Number of prisoner <u>days</u> during FY 74-75:	<u>13,911</u>
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Average length of stay during FY 74-75:	<u>5.2</u> days
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<u>Cost</u> per prisoner day: <sup>2</sup>	<u>\$15.28</u>
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<sup>1</sup> This estimate was arrived at with the county Clerk and Recorder, per phone conversation on March 30, 1976. This is a pro-rated figure taking into consideration the average utility costs and the space occupied by the jail.

<sup>2</sup> This figure was determined by dividing the number of prisoner days in the total cost.

FLATHEAD COUNTY

GROUP 1 - population 30,000 and up.

Budget Breakdown on Jail Costs:

PERSONNEL

2 jailers	\$ 18,000.00
1 cook	7,680.00
Other personnel (estimated) <sup>1</sup>	576.00
	<hr/>
	\$ 26,256.00

MAINTENANCE AND OPERATION

Maintenance and Operation (estimated) <sup>2</sup>	\$ 12,000.00
Laundry <sup>3</sup>	1,500.00
Janitorial <sup>4</sup>	(janitor) 5,100.00
	(supplies) 1,000.00
	<hr/>
	\$ 19,600.00

OTHER

Utilities <sup>5</sup>	(electric) \$ 3,000.00
	(gas) 2,000.00
	<hr/>
	Sub-Total \$ 5,000.00
	GRAND TOTAL <u>\$ 50,000.00</u>

Number of <u>prisoners</u> during FY 74-75	<u>713</u>
Number of prisoner days during FY 74-75	<u>3,508</u>
Average <u>length of stay</u> during FY 74-75	<u>4.9</u> days
<u>Cost</u> per prisoner day <sup>6</sup>	<u>\$ 14.49</u>

Flathead County - cont'd

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- 1 The dispatcher in the Sheriff's office handles some of the jail work. A dispatcher is paid \$600 a month, there are four (4) men working in this capacity. In talking with the Sheriff (March 30, 1976) by phone, he estimated that two percent (2%) of their time was spent on jail business.
  - 2 This estimate is from the Sheriff.
  - 3 Laundry is contracted to a private firm, the bill runs between \$100 and \$150 a month depending on how many men are incarcerated.
  - 4 The jail has one janitor assigned to it. The supplies for the janitor are purchased separately.
  - 5 This estimate was arrived at by the County Clerk and Recorder per a telephone conversation on April 1, 1976. This is a pro-rated figure taking into consideration the average utility costs and the space occupied by the jail.
  - 6 This figure was determined by dividing the number of prisoner days into the total cost.

VALLEY COUNTY

GROUP 2 - population 10,000 to 30,000

Budget Breakdown of Jail Costs:

PERSONNEL

Personnel (jailer and cook)<sup>1</sup> \$ 27,321.54

MAINTENANCE AND OPERATION

Supplies, Food, Clothing, Medical<sup>2</sup> 4.525.30

OTHERS

Utilities (estimation)<sup>3</sup> 3,100.00

GRAND TOTAL \$ 34,946.84

Number of <u>prisoners</u> during FY 74075	<u>197</u>
Number of prisoner <u>days</u> FY 74075	<u>1,670</u>
Average <u>length of stay</u> during FY 74-75	<u>8.9</u> days
<u>Cost per prisoner day</u> <sup>4</sup>	<u>\$20.92</u>

<sup>1</sup> Figure from budget for FY 74-75

<sup>2</sup> Figure from budget for FY 74-75

<sup>3</sup> Utilities estimation based on jail size, pro-rated for a year.

<sup>4</sup> This figure was determined by dividing the number of prisoner days into the total cost.

GLACIER COUNTY

GROUP 2 - population 10,000 - 30,000.

Budget Breakdown on Jail Costs:

PERSONNEL

Deputy (estimated) <sup>1</sup>	\$ 2,799.60
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MAINTENANCE AND OPERATION

Board, supplies, other operationsal costs.	4,250.74
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OTHER

Utilities (estimated) <sup>2</sup>	500.00
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GRAND TOTAL	<u>\$ 7,550.34</u>
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Number of <u>prisoners</u> during FY 74-75	<u>114</u>
Number of prisoner <u>days</u> during FY 74-75	<u>781</u>
Average <u>length of stay</u> during FY 74-75	<u>6.8</u> days
<u>Cost</u> per prisoner day <sup>3</sup>	<u>\$9.66</u>

<sup>1</sup> A deputy earns \$ 9,332 a year. The Sheriff estimated one deputy spends about thirty percent (30%) of his time with jail duties.

<sup>2</sup> This estimate was arrived at by the County Clerk and Recorder, per a phone conversation on (March 26, 1976). This is a pro-rated figure taking into consideration the average utility costs and the space occupied by the jail.

<sup>3</sup> This figure was determined by dividing the number of prisoner days into the total cost.

RAVALLI COUNTY

GROUP 2 - population 10,000 - 30,000.

Budget Breakdown of Jail Costs:

PERSONNEL

Deputy (estimated) <sup>1</sup>	\$ 5,940.00
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MAINTENANCE AND OPERATION

Board of Prisoners (food)	8,855.00
Supplies	100.00
Repairs and Supplies	800.00
Medical	1,222.00

Sub-total	\$ 10,977.00
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OTHER

Cook <sup>2</sup>	\$ 4,173.75
Utilities <sup>3</sup>	675.00

GRAND TOTAL	<u>\$ 21,765.75</u>
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Number of <u>prisoners</u> during FY 74-75	<u>795</u>
Number of prisoner <u>days</u> during FY 74-75	<u>2,812</u>
Average <u>length of stay</u> during FY 74-75	<u>3.5</u> days
<u>Cost</u> per prisoner day <sup>4</sup>	<u>\$7.74</u>

<sup>1</sup> According to the Sheriff (phone conversation March 29, 1976) a deputy spends approximately 3 hours a day with the jail. A deputy is paid \$5.50 and hour.

<sup>2</sup> The cooking is contracted out. The cook is paid \$1.75 by the meal.



Ravalli County - cont'd

- 3 This estimate was arrived at with the County Clerk and Records office, per a phone conversation on April 1, 1976. This is a pro-rated figure taking into consideration the average utility costs and the space occupied by the jail.
- 4 This figure was determined by dividing the number of prisoner days into the total cost.

BEAVERHEAD COUNTY

GROUP 3 - population up to 10,000.

Budget Breakdown of Jail Costs:

PERSONNEL

Deputy (estimated) <sup>1</sup>	\$ 4,032.00
---------------------------------	-------------

MAINTENANCE AND OPERATION

Board of prisoners (food)	1,576.25
Maintenance and operation (includes supplies, clothing, etc.)	4,405.76
Medical (estimated) <sup>2</sup>	100.00
Minor repairs	180.00

Sub-total	\$ 6,262.19
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OTHER

Utilities (estimated) <sup>3</sup>	\$ 2,100.00
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GRAND TOTAL	<u>\$ 12,394.19</u>
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Number of <u>prisoners</u> during FY 74-75	<u>114</u>
Number of prisoner <u>days</u> during FY 74-75	<u>600</u>
Average <u>length of stay</u> during FY 74-75	<u>5.2</u> days
<u>Cost</u> per prisoner day <sup>4</sup>	<u>\$20.65</u>

1  
A deputy earns \$840.00 a month, the Sheriff (phone conversation March 26, 1976) assessed 40% of one deputy's time to the jail operation.

2  
This figure was determined by the Sheriff.

Beaverhead County - cont'd

- 3 This estimate was arrived at by the County Clerk and Records office, per a phone conversation on March 26, 1976. This is a pro-rated figure taking into consideration the average utility costs and the space occupied by the jail.
- 4 This figure was determined by dividing the number of prisoner days into the total cost.

CARBON COUNTY

GROUP 3 - population up to 10,000

Budget Breakdown of Jail Costs:

PERSONNEL

Deputy (estimated) <sup>1</sup>	\$ 2,040.00
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MAINTENANCE AND OPERATION

Board of prisoners (food)	1,500.00
County prisoners (includes bedding, clothing and supplies)	456.75
Medical <sup>2</sup>	

Sub-total	\$ 1,956.75
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OTHERS

Utilities (estimated) <sup>3</sup>	1,350.00
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GRAND TOTAL	<u>\$ 5.346.75</u>
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Number of <u>prisoners</u> during FY 74-75	<u>102</u>
Number of prisoner <u>days</u> during FY 74-75	<u>276</u>
Average <u>length of stay</u> during FY 74-75	<u>5.4</u> days
<u>Cost</u> per prisoner day <sup>4</sup>	<u>\$19.37</u>

- <sup>1</sup> A deputy is paid \$10,200 a year. The Sheriff estimated that a deputy spends about 20% of his time with jail duties.
- <sup>2</sup> Money was allotted for medical costs during FY 74-75, but none was recorded as being spent.
- <sup>3</sup> This estimate was arrived at by the County Clerk and Records office,

Carbon County - cont'd

per a phone conversation on April 1, 1976. This is a pro-rated figure taking into consideration the average utility costs and the space occupied by the jail.

- 4 This figure was determined by dividing the number of prisoner days into the total cost.

SHERIDAN COUNTY

GROUP 3 - population up to 10,000.

Budget Breakdown of Jail Costs:

PERSONNEL

Sworn officer on duty (estimated) <sup>1</sup>	\$ 909.60
Operator (estimated) <sup>2</sup>	2,227.60
	<hr/>
	\$ 3,137.20

MAINTENANCE AND OPERATION

Board	\$ 1,361.78
Supplies, Medical, Clothing, Janitorial, etc. (estimated) <sup>3</sup>	724.89
	<hr/>

OTHER

Utilities <sup>4</sup>	
fuel oil (estimated)	\$ 2,080.00
electric (estimated)	\$ 2,880.00
	<hr/>

Sub-total \$ 4,960.00

GRAND TOTAL \$ 10,183.87

Number of <u>prisoners</u> during FY 74-75	<u>142</u>
Number of prisoner <u>days</u> during FY 74-75	<u>658</u>
Average <u>length of stay</u> during FY 74-75	<u>4.6</u>
<u>Cost</u> per prisoner day <sup>5</sup>	<u>\$ 15.47</u>

<sup>1</sup> A deputy earns \$ 7,886 a year. The Sheriff estimated that a deputy spends approximately 20 hours a month working on jail business.

<sup>2</sup> A telephone operator is charged with monitoring the jail. The Sheriff estimated her jail related duties to take fifty percent (50%) of her time.

Sheridan County - cont'd

3

These items come under the Sheriff's budget, not the jail. The Clerk and Records office estimated that ten percent (10%) of the total went for actual jail use.

4

This estimate was arrived at by the Clerk and Records office, per a phone conversation. This is a pro-rated figure taking into consideration the average utility costs and the space occupied by the jail.

5

This figure was determined by dividing the number of prisoner days into the total cost.

MEAGHER COUNTY

GROUP 3 - population up to 10,000

Budget Breakdown of Jail Costs:

PERSONNEL

Deputy (estimated) <sup>1</sup>	\$ 2,196.00
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MAINTENANCE AND OPERATION

Maintenance and operation <sup>2</sup>	153.44
Care of prisoners (food)	85.00
	<hr/>
	\$ 238.44

OTHER

Utilities<sup>3</sup>

GRAND TOTAL	<u>\$ 2,434.44</u>
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Number of <u>prisoners</u> during FY 74-75	<u>16</u>
Number of prisoner <u>days</u> during FY 74-75	<u>69</u>
Average <u>length of stay</u> during FY 74075	<u>4.3</u> days
<u>Cost</u> per prisoner day <sup>4</sup>	<u>\$35.28</u>

<sup>1</sup> A deputy earns \$ 8,784 a year. The Sheriff (phone conversation March 25, 1976) estimates that a deputy spends twenty-five percent (25%) of his time working on jail business.

<sup>2</sup> This is twenty percent (20%) of the figure budgeted under the Sheriff's budget.

<sup>3</sup> The amount spend for electricity (\$540.00) and propane (\$1,754.00) totals \$ 2,294.00. Due to outside influences the sheriff living in the building and the building serving as the Sheriff's office, it is impossible to figure what the actual utility cost for running the jail is.

<sup>4</sup> This figure was determined by dividing the number of prisoner days into the total cost.



COST PER PRISONER DAY

<u>COUNTY</u>	<u>COST PER PRISONER DAY</u>	<u>COST PER PRISONER DAY</u> (without utilities)
Yellowstone	\$ 7.22	\$ 6.32
Missoula	15.28	14.85
Flathead	14.37	13.07
Valley	20.92	19.06
Glacier	9.66	9.02
Ravalli	7.74	6.01
Beaverhead	20.65	17.15
Carbon	19.37	14.48
Sheridan	15.50	7.78
Meagher*	35.28	35.28
	<hr/>	<hr/>
TOTAL	\$ 165.98	\$ 143.02
	<hr/>	<hr/>
AVERAGE COST	\$ 16.59 a day	\$ 14.30 a day

\* without utility cost

PRISONERS AND NUMBER OF PRISONER DAYS

	<u>Number of Prisoners</u>	<u>Number of Prisoner days</u>	<u>Average*</u>
<u>GROUP I - (population above 30,000)</u>			
Yellowstone	-0-	20,498	
Missoula	2,692	13,911	5.1
Flathead	713	3,508	4.9
<u>GROUP II - (population between 10,000-30,000)</u>			
Valley	197	1,670	8.9
Glacier	114	781	6.8
Ravalli	795	2,812	3.5
<u>GROUP III - (population up to 10,000)</u>			
Beaverhead	114	600	5.2
Carbon	102	276	2.6
Sheridan	142	658	4.6
Meagher	16	69	4.3

\* average length of stay (days)

BOARD OF CRIME CONTROL  
MONTANA JUVENILE COURT STATISTICS  
STATE TOTALS

COLLECT PERIOD--JANUARY-DECEMBER 1974

SEX- MALE

CODE NO	OFFENSE TITLE	TOTAL	PER CENT	0-8	9	10	11	12	AGE	13	14	15	16	17	18 & OVER
0120	ARSON	13		2			1	2		4	2	1		1	
0130	ASSAULT	94	2	2	2			4		5	8	15	26	32	
0140	AUTO THEFT	179	3	1	3		3	6		23	31	42	50	20	
0200	BURGLARY	546	10	6	11		26	32		51	102	120	103	65	1
0220	CHECK CHARGES	39	1				2	4		2	3	12	11	5	
0401	DEL. CURFEW VIOLATION	344	6	1	2		3	7		17	37	65	105	104	1
0402	DEL. UNGOVERNABLE	255	5	2			7	14		16	37	63	64	48	
0403	DEL. PROB. VIOLATION	70	1				2	1		8	19	14	22	4	
0404	DEL. LOCAL RUNAWAY	270	5	1	3		7	14		36	56	65	66	22	
0405	DEL. NON-LOCAL RUNAWAY	159	3		1		1	3		12	24	43	45	30	
0406	DEL. TRUANCY	146	3		1		4	8		31	42	48	6	6	
0407	DEL. UNSUPERVISED	36	1				1	1		2	5	10	10	8	
0408	DEL. HEALTH & MORALS	56	1		1		4	2		5	9	10	8	16	
0409	DEL. DEPEND & NEGLECT	12		1			2	2		1	2	2	2	2	
0410	DISTURBING THE PEACE	176	3	2		4	7	6		14	19	24	40	58	
0430	DANGEROUS DRUGS	301	5				1	5		8	34	51	76	125	1
0500	ESCAPES	4										1		3	
0510	EXPLOSIVES	4									2	1		1	
0610	FISH & GAME	51	1							1	5	11	15	19	
0620	FORGERY	26					2	1		2	6	4	7	6	
0630	FRAUD	10			1						3	1	1	4	
0801	MANSLAUGHTER VOL.														
0802	MANSLAUGHTER INVOL.														
0803	MANSLAUGHTER MOTOR VEH.														
0804	MURDER 1ST DEGREE														
0805	MURDER 2ND DEGREE														
1201	LARCENY GRAND	194	3	4	4		5	9		26	26	28	52	34	
1202	LARCENY PETIT	462	8	9	11		29	27		58	56	73	109	78	1
1203	LARCENY PUSS. STG. PROP.	72	1		1		3	4		6	12	15	18	16	1
1204	LARCENY SHOPLIFTING	316	6	8	4	18	22	41		41	48	45	45	44	
1210	LIQUOR VIOLATION	711	13		1		5	3		13	49	127	247	262	4
1300	MALICIOUS MISCHIEF	610	11	21	26	24	37	61		72	93	91	89	94	2
1320	MISCELLANEOUS	35	1	1	1	1	2	3		6	5	1	8	7	
1800	RAPE	1									1				
1830	ROBBERY	15								3		4	5	3	
1910	SEX CRIMES	33	1					2		2	4	5	10	9	1
2010	TRAFFIC	311	6					3		12	23	72	64	117	
2300	WEAPONS	21	1	1			1	4		1	2	2	6	2	
	OTHER	37	1	1							5	15	6	12	
	TOTAL BY AGE	5611	1	61	61	90	179	264		480	770	1079	1338	1277	12
	AGE PER CENT			1	1	1	3	4		8	13	19	23	22	

BOARD OF CRIME CONTROL  
MONTANA JUVENILE COURT STATISTICS  
STATE TOTALS

COLLECT PERIOD--JANUARY-DECEMBER 1974

SEX-- FEMALE

CODE		OFFENSE TITLE	TOTAL	PER CENT	AGE										16	17	18 & OVER	
NO					0-5	6	7	8	9	10	11	12	13	14	15	16	17	18 & OVER
0120	ARSON		1											1				
0130	ASSAULT		18	1	2							2	2	2	4	6		
0140	AUTO THEFT		42	2								3	8	8	6	12	5	
0220	BURGLARY		32	1						1	6	2	4	3	7	5	4	
0300	CHECK CHARGES		14	1									1	1	3	3	5	
0401	DEL. CURFEW VIOLATION		156	7								3	19	23	33	46	32	
0402	DEL. UNGOVERNABLE		172	8								5	16	26	47	47	28	
0403	DEL. PROB. VIOLATION		23	1								1	2	7	8	5		
0404	DEL. LOCAL RUNAWAY		460	21							3	11	72	112	133	91	36	
0405	DEL. NON-LOCAL RUNAWAY		183	9								5	18	43	52	46	19	
0406	DEL. TRUANCY		104	5	1					1	2	3	12	33	39	12	1	
0407	DEL. UNSUPERVISED		20	1								1	2	4	9	4	4	
0408	DEL. HEALTH & MORALS		46	2	1						1	3	5	10	11	9	7	
0409	DEL. DEPEND & NEGLECT		18	1	1							2	2	4	1	4	6	
0410	DISTURBING THE PEACE		55	3	1					1	2	3	6	12	15	5	10	
0430	DANGEROUS DRUGS		75	3									5	13	16	23	16	
0500	ESCAPES																	
0510	EXPLOSIVES		6											1	4		1	
0610	FISH & GAME		9											4	1	3	1	
0620	FORGERY		3										1		2			
0630	FRAUD																	
0801	MANSLAUGHTER VOL.																	
0802	MANSLAUGHTER INVUL.																	
0803	MANSLAUGHTER MOTOR VEH.																	
0804	MURDER 1ST DEGREE																	
0805	MURDER 2ND DEGREE																	
1201	LARCENY GRAND		17	1							1	1	2	2	3	4	4	
1202	LARCENY PETIT		46	2						1	1	4	4	13	9	9	5	
1203	LARCENY POSS. STU. PROP.		6									1		2	1		2	
1204	LARCENY SHOPLIFTING		207	10						3	11	19	36	43	38	29	24	
1210	LIQUOR VIOLATION		277	13								2	21	51	60	79	63	1
1300	MALICIOUS MISCHIEF		78	4	4				1	5	3	5	6	17	22	11	4	
1320	MISCELLANEOUS		10									1	1	1	3	3	1	
1800	RAPE																	
1830	ROBBERY		1											1				
1910	SEX CRIMES		7										2	1		2	2	
2010	TRAFFIC		49	2									5	6	11	10	17	
2300	WEAPONS		1										1					
	OTHER		15	1									2		3	4	4	
	TOTAL BY AGE		2151	1	13	4	13	30	75	255	442	541	472	305	1			
	AGE PER CENT																	

BOARD OF CRIME CONTROL  
MONTANA JUVENILE COURT STATISTICS

COLLECT PERIOD--JANUARY-DECEMBER 1974

STATE TOTALS

SEX- MALE

CATEGORY	ITEM	AMT	PER CENT	CATEGORY	ITEM	AMT	PER CENT
RACE	1-CAUCASIAN	4613	86	EMPLOYMENT	IN SCHOOL	4103	73
	2-INDIAN	627	11		5-NOT EMPLOYED	427	4
	5-OTHER	171	3		6-WORKING FULL-TIME	298	5
	1-L.E. AGENCY	5183	92		7-WORKING PART-TIME	943	17
	2-SCHOOL	129	2		1-BELOW NORMAL	4648	83
REFERRED BY	5-PARENT	142	3	SCHOOL GRADE ATTAINMENT	2-NORMAL	20	
	7-OTHER	157	3		3-ACCELERATED	1022	16
	1-YES	2770	49		1-SERIOUS PROBLEMS	4569	82
	2-NO	2841	51		2-NO PROBLEMS	3147	56
	3-TOTAL OFFENSES	6898			1-MARRIED AND TOGETHER	39	1
PRIOR DELINQUENCY	1-NO DETENTION	4161	74	MARITAL STATUS OF PARENTS	2-BOTH DEAD	355	6
	2-OVERNIGHT JAIL	1358	24		3-FATHER DEAD	100	2
	5-OTHER	92	2		4-MOTHER DEAD	1761	32
	1-INFORMALLY	5194	93		5-SEPARATED OR DIVORCED	36	1
	2-FORMALLY	417	7		6-FATHER DESERTED	5	
CASE PENDING DISPOSITION	00-WAIVED TO CRIMINAL COURT	4		LIVING ARRANGEMENT OF OFFENDER	7-MOTHER DESERTED	168	3
	01-DISMISSED	191	3		8-OTHER	2956	53
	11-WARNED	2325	41		1-WITH BOTH PARENTS	587	10
	12-HELD OPEN OR PENDING	515	9		2-MOTHER AND STEP-FATHER	166	3
	13-INF. PROB.	1227	22		3-FATHER AND STEP-MOTHER	1079	19
MANNER HANDLED DISPOSITION	14-REFERRED OR RETURN RUNAWAY	489	9	FAMILY INCOME	4-MOTHER ONLY	164	3
	15-TEMP. CUST.	40	1		5-FATHER ONLY	204	4
	16-OTHER INFORMAL	553	10		6-RELATIVE S HOME	81	2
	21-COMMITTED PUB. J. D. INSTIT.	114	2		7-FOSTER HOME	93	2
	22-COURT CUSTODY FORMAL PROB.	68	1		8-INSTITUTION	77	1
DIAGNOSTIC SERVICES NEEDED	23-PRIVATE AGENCY OR HOME	17		RELIGIOUS ACTIVITY	9-ALONE	161	3
	24-DEF. COMMITMENT OR SUSPENDED	50	1		10-OTHER	470	8
	25-OTHER FORMAL	18			1-PUB. ASSISTANCE	44	1
	A-MENTAL	263	5		2-UNDER \$3,000	215	4
	1-AVAILABLE	48	1		3-\$3,000 - \$5,000	1044	19
B-MEDICAL	2-NOT AVAILABLE	5300	94	RESIDENT LENGTH	4-\$5,000 - \$10,000	1392	25
	3-NOT INDICATED	103	3		5-OVER \$10,000	1246	23
	1-AVAILABLE	10			6-UNKNOWN	157	3
	2-NOT AVAILABLE	5438	97		1-VERY ACTIVE	1135	20
	3-NOT INDICATED	760	14		2-MODERATELY ACTIVE	4319	77
C-SOCIAL	1-AVAILABLE	53	1	RESIDENCE LOCATION	3-NON-PARTICIPATING	582	10
	2-NOT AVAILABLE	4798	86		1-NOT CURRENTLY A RESIDENT	446	8
	3-NOT INDICATED	813	14		2-UNDER ONE YEAR	689	12
	1-AVAILABLE	109	2		3-UNDER FIVE YEARS	3683	69
	2-NOT AVAILABLE	60	1		4-FIVE YEARS OR MORE	1504	27
EMPLOYMENT	3-NOT INDICATED	1			1-RURAL	4107	73
	1-NOT EMPLOYED				2-URBAN	731	13
	2-WORKING FULL-TIME				NUMBER OF DAYS DETAINED		
	3-WORKING PART-TIME				AVERAGE DAYS BETWEEN REFERRAL AND DISPOSITION		
	4-N/A PRE SCHOOL						

BOARD OF CRIME CONTROL  
MONTANA JUVENILE COURT STATISTICS  
STATE TOTALS

COLLECT PERIOD-JANUARY-DECEMBER 1974

SEX- FEMALE

CATEGORY	ITEM	AMT	PER CENT	CATEGORY	IN SCHOOL	ITEM	AMT	PER CENT
RACE	1-CAUCASION	1810	84	EMPLOYMENT	5-NOT EMPLOYED		1722	80
	2-INDIAN	290	13		6-WORKING FULL-TIME		54	3
	3-OTHER	51	2		7-WORKING PART-TIME		93	4
REFERRED BY	1-L.E. AGENCY	1770	82	SCHOOL GRADE	1-BELOW NORMAL		253	12
	2-SCHOOL	65	4	ATTAINMENT	2-NORMAL		1889	88
	3-PARENT	205	10		3-ACCELERATED		9	
	4-OTHER	91	4	SCHOOL ADJUST	1-SERIOUS PROBLEMS		404	19
PRIOR	1-YES	917	43		2-NO PROBLEMS		1747	81
DELINQUENCY	2-NO	1234	57	MARITAL	1-MARRIED AND TOGETHER		1103	51
	3-TOTAL OFFENSES	2612		STATUS OF	2-BOTH DEAD		20	1
CARE PENDING	1-NO DETENTION	1449	67	PARENTS	3-FATHER DEAD		113	5
DISPOSITION	2-OVERNIGHT JAIL	586	27		4-MOTHER DEAD		37	2
	3-OTHER	116	5		5-SEPARATED OR DIVORCED		607	38
MANNER	1-INFORMALLY	2010	93		6-FATHER DESECTED		8	
HANDLED	2-FORMALLY	141	7		7-MOTHER DESECTED		2	
DISPOSITION	00-WAIVED TO CRIMINAL COURT				8-OTHER		61	3
	01-DISMISSED	56	3	LIVING	1-WITH BOTH PARENTS		1052	49
	11-WARNED	605	37	ARRANGEMENT	2-MOTHER AND STEP-FATHER		488	13
	12-HELD OPEN OR PENDING	193	9	OF OFFENDER	3-FATHER AND STEP-MOTHER		51	2
	13-INF. PROB.	418	19		4-MOTHER ONLY		427	20
	14-REFERRED OR RETURN RUNAWAY	353	16		5-FATHER ONLY		59	3
	15-TEMP. CUST.	33	2		6-RELATIVE S HOME		90	4
	16-OTHER INFORMAL	190	9		7-FOSTER HOME		53	2
	21-COMMITTED PUB. J. D. INSTIT.	51	2		8-INSTITUTION		39	2
	22-COURT CUSTODY FORMAL PROB.	34	2		9-ALONE		36	2
	23-PRIVATE AGENCY OR HOME	9			10-OTHER		54	3
	24-DEF. COMMITMENT OR SUSPENDED	4		FAMILY	1-PUB. ASSISTANCE		216	10
	25-OTHER FORMAL	5		INCOME	2-UNDER \$3,000		15	1
DIAGNOSTIC	A-MENTAL				3-\$3,000 - \$5,000		102	5
SERVICES	1-AVAILABLE	114	5		4-\$5,000 - \$10,000		601	26
NEEDED	2-NOT AVAILABLE	16	1		5-OVER \$10,000		434	21
	3-NOT INDICATED	2021	94		6-UNKNOWN		703	35
	B-MEDICAL			RELIGIOUS	1-VERY ACTIVE		62	3
	1-AVAILABLE	71	3	ACTIVITY	2-MODERATELY ACTIVE		461	21
	2-NOT AVAILABLE	10			3-NON-PARTICIPATING		1028	76
	3-NOT INDICATED	2070	96	RESIDENT	1-NOT CURRENTLY A RESIDENT		266	12
	C-SOCIAL			LENGTH	2-UNDER ONE YEAR		175	8
	1-AVAILABLE	320	15		3-UNDER FIVE YEARS		310	14
	2-NOT AVAILABLE	17	1		4-FIVE YEARS OR MORE		1394	65
	3-NOT INDICATED	1814	84	RESIDENCE	1-RURAL		511	24
EMPLOYMENT	OUT OF SCHOOL			LOCATION	2-URBAN		1040	76
	1-NOT EMPLOYED	245	11	NUMBER OF	3-DETAINED		1089	6
	2-WORKING FULL-TIME	20	1	AVERAGE DAYS BETWEEN ALTERNAL AND DISPOSITION				
	3-WORKING PART-TIME	16	1					
	4-N/A PRE SCHOOL	1						

## APPENDIX 5

### Home Detention Program Description

The Home Detention Program (home supervision) in St. Louis is an early model for many subsequent community-based detention programs. The program is designed to permit a child to live in the community, under the supervision of a Community Youth Leader (CYL), in lieu of secure detention while awaiting adjudication. The CYLs are individuals recruited from the local community. Utilizing a variety of approaches, they seek to ensure that the youth assigned to their supervision will appear in court at the appointed time and not commit any delinquent acts in the interim period. By keeping caseloads to five or fewer the CYLs are able to provide intensive supervision and support to the families of participants as well as to the children themselves. They maintain contact with school officials and others of a significance to the child. Participants live either in their own homes or a surrogate home.

The nature of the program in many ways determines the criteria for involvement in the program. First, the child's own home or a surrogate home must be available for placement. Second, the parents must express willingness to accept the close supervision which the structure of the program demands. A third criterion is that the case of the child must not be too notorious in the sense that public knowledge of the youth's participation in the program would result in a particularly unfavorable community reaction.

The fourth and fifth criteria are specifically related to the availability of CYLs and their geographic residence. A CYL in the vicinity of the youth's home must be available to take the referred youth onto his

(or her) caseload.

Youth are generally referred from the pool of those already in detention. In St. Louis, the judge of the juvenile court approves all referrals to the program. Recommendations for referrals are made to the judge, via the Detention Hearing Officer or by a committee composed of regular detention staff.

An evaluation ("Final Report and Evaluation of the Home Detention Program, St. Louis, Missouri") revealed that during the first nine months of operation, 308 children (275 boys and 33 girls) participated in the program. Of that group, 71 percent appeared for court at the scheduled hearing time. Twenty-one percent were returned to secure detention and five percent committed a new offense while in the Home Detention Program. The remaining participants were terminated when the petition against them was dismissed. The evaluators note that the cost of maintaining a child in the Home Detention Program was \$4.85 per day as compared with the \$17.54 per day needed to maintain a child in secure detention. The evaluators submit that the Home Detention Program serves as a viable alternative to secure detention.



## APPENDIX 6

### PROCTOR PROGRAM

The Proctor program, sponsored by the New Bedford Child and Family Services, is an alternative detention program in which the detainee lives with an assigned proctor for the entire period of detention. Acceptance into the program is made on an individual basis and does not depend on the alleged offense. Any child who is not homicidal, suicidal or psychotic is eligible. Referrals are taken from the Department of Youth Services and the Department of Child Guardianship.

The goals of the program are to provide intensive counseling for a girl when she is most in need of it, to give her an opportunity to interact with an individual instead of an institution, to provide her with an advocate who will actively seek a solution to her problems, and to introduce her to an alternative life style.

The ten proctors currently in the program had all been recommended by respected social agencies in the area. Their preparation consisted of three days of intensive training during which time they were involved in role playing, group discussions, and presentations. The topics covered included the juvenile justice and welfare systems, first aid, drug and crisis counseling, nutrition, budget balancing, and insurance. All proctors then signed a one year contract during which time they were expected to work for 32 out of 52 weeks. They are paid \$140/week when off duty, and \$180/week when on. They are allowed to choose their own working schedule but are expected to stay with a child until her period of detention is completed. That may be up to six weeks but averages one month. The proctors are supported by a staff of two supervisors, two social workers, and one part time crisis counselor.

When a youth is accepted into the program she goes immediately to the agency where she is introduced to her proctor, the program, and its rules. At this time it is made clear to her that the agency is available to her at any time, day or night. She receives a routine check-up and must report with her proctor to the agency once a week, but for the rest she is free to participate in whatever activities her proctor has planned. The proctor keeps a daily journal in which she is encouraged to write. One basic rule of the program is that no alternative bed situation is provided for the girl, she must make it in the one home provided. Others rules included:

...every move(or outing) made must first be approved by the agency.

...the girl may have no contact with other detained children.

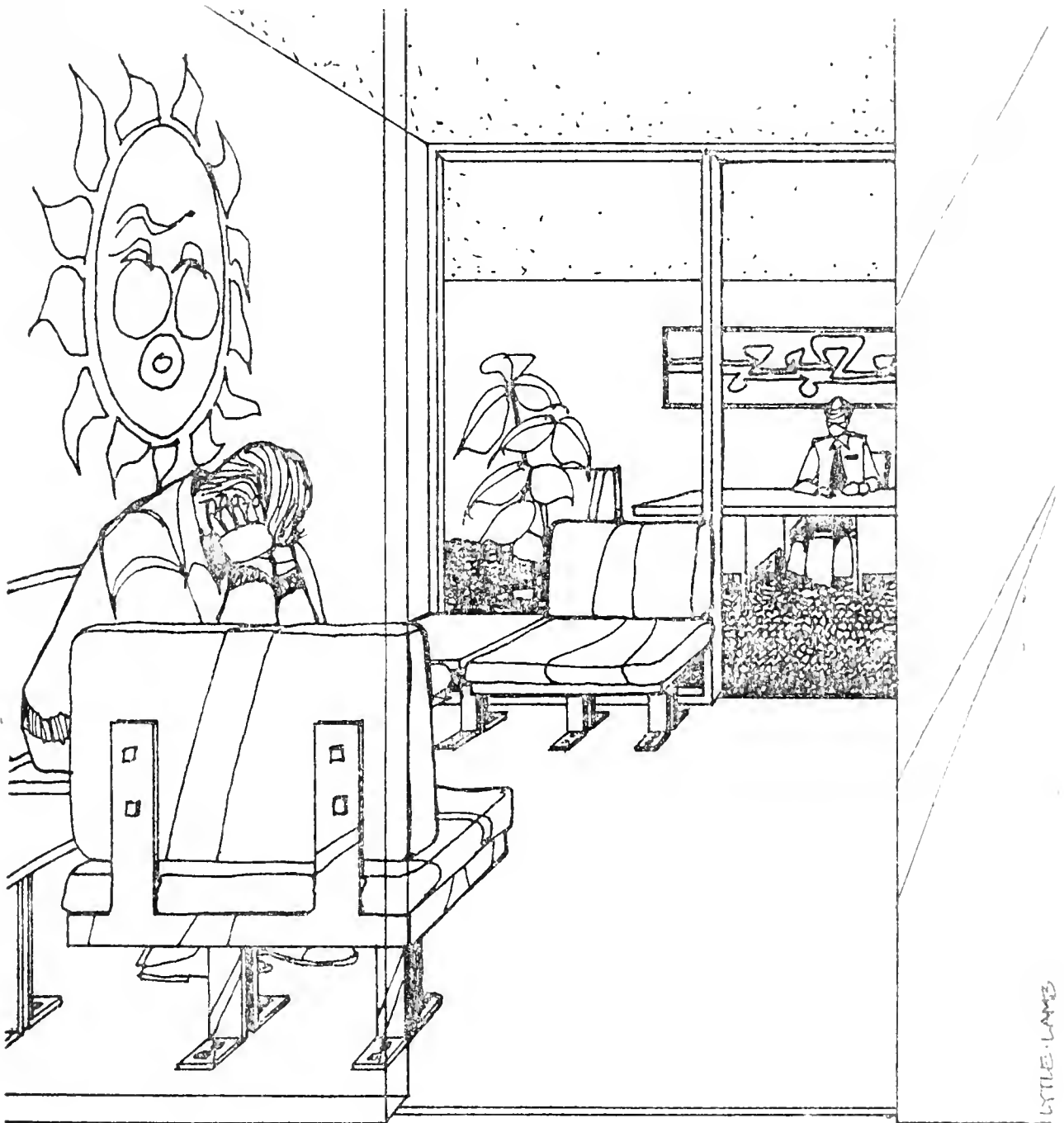
...the girl can receive no visitors or mail at the proctor's home.

A phone strictly for the girls' use is provided for by the agency.

Both the agency and the proctor offer counseling services throughout the detention period and after if it is necessary.

After one year the Proctor program has served 146 girls and has had only nine official runs. The agency feels that the program has been so successful and rewarding that it would like to teach others how to set up a similar program. They do not wish to expand their particular program, for they feel its size is one of its keys to success, but they can see possibilities for a treatment program based on the proctor model. This might take the form of a long term proctor (in which two proctors live with four girls for a year) or a proctor steps (in which one girl lives with a series of proctors for approximately six weeks each, with each move adding additional responsibilities and freedom.)

## SMALL JUVENILE DETENTION ROOM - REMODELED IN SMALLER FACILITIES



### temporary holding room:

Rooms for the short-term detention of adult arrestees should be well ventilated. The level of illumination in the temporary holding room should be equivalent to the amount of light in adjacent areas. Holding rooms should normally be equipped with two-way glass panels opening into 24-hour operational area. It is as important for police department staff members to be able to see into the room as it is for the person detained there to be able to see out.



## APPENDIX 8

### Program

Type: Diagnostic & Treatment  
Population: Co-ed  
Capacity:

Name: MENTAL HEALTH SERVICE CENTER  
Salt Lake City, Utah

Staff Contact: Marcel Chappis, Director  
The Second District Juvenile Court  
3522 South 6th Street, West  
Salt Lake City, Utah  
801-262-2601

In 1973, the three judges of the Second District Juvenile Court approached the Department of Mental Health concerning the mental health services in the court. This program has grown from a quarter-time psychologist to a full staff of seven mental health representatives of three mental health centers, and three secretaries.

The professional staff includes 2 1/2 psychologists, 2 1/2 social workers, one psychology intern and one second year social work student. The program is located in the court building which also houses a detention unit for forty children, in-house representation from the Division of Family Services, the school district and vocational rehabilitation centers, and a large volunteer program. The mental health unit responds to referrals from all levels of the court. Among the services provided are:

- evaluation and diagnosis for court disposition
- crisis counseling for emergency behavior problems in the detention center
- in-service training for the detention staff
- recommendation reports for the intake worker and/or for the detention hearing
- testing and consultant services to the field probation offices

- screening for the state hospital and residential treatment center. As representatives of the Department of Mental Health, the staff screens the case and meets once a month with the hospital staff to discuss cases and further cooperation. When a child is to be released from the residential program, the court and hospital staff meet again with school personnel to make plans for the child. The court staff then is involved in follow up.

In order to keep constantly aware of needs for their services, the staff meets regularly with the court personnel, hospital staff, intake personnel, and field probation officers. Once a year the entire staff visits all placements used for juveniles in the state.

A number of additional programs have been developed by the staff. They include:

- The Drug School - a program for drug offenders and their families which emphasizes the need for a family response to the drug problem. The school consists of four sessions of two hours each. In one year the reported recidivism rate for drug offenders dropped approximately 50%.
- The Alcohol School - a program for alcohol offenders similar to the drug program. The recidivism rate for alcoholic offenders dropped approximately 50%.
- A pilot program offered to first offenders and their families. These families have the option of signing a contract to meet with one of three psychologists for six family counseling sessions. If the terms of the contract are fulfilled, the case is closed non-judicially.

APPENDIX 9

Shelter Care Questionnaire #1

1. How many youth did you handle over the last 60 days that were in need of shelter care? \_\_\_\_\_ #
2. We realize that often a number of factors are involved when a youth requires shelter care. However, we would like you to indicate the major reason for the need for placing a youth in shelter care. Below are some possible reasons for this and we would like you to indicate the number of youth who fit in these categories. The total number should be the same as in question #1.

Neglect	_____ #
Abuse	_____ #
Runaway	_____ #
Unavailable responsible adult for release of the youth	_____ #
Other Parent-Child Conflict	_____ #
OTHER (SPECIFY)	_____ #
_____	_____ #
_____	_____ #
_____	_____ #
_____	_____ #

3. Of these youth, how many were you able to place in shelter care?  
(Placements with yourself, friends, relatives, or agency personnel should not be included.) \_\_\_\_\_ #
4. In how many cases (refer to the preceding question) would you say that the placement was difficult to locate? \_\_\_\_\_ #

Thank you for your cooperation and time. This information will be valuable in our attempt to provide for adequate, available shelter care in the State of Montana.

## SRS RESPONSES

County	# Needed	# Placed	# Difficult
1. Beaverhead	1	0	0
2. Big Horn	13	7	7
3. Blaine	3	0	0
4. Broadwater			
5. Carbon	4	4	4
6. Carter			
7. Cascade	29	23	15
8. Choteau	9	9	4
9. Custer	17	9	7
10. Daniels			
11. Dawson	0	0	0
12. Deer Lodge	3	3	2
13. Fallon			
14. Fergus	9	6	6
15. Flathead	4	3	1
16. Gallatin	5	5	5
17. Garfield			
18. Glacier	2	1	1
19. Golden Valley			
20. Granite	4	4	4
21. Hill	8	2	2
22. Jefferson	4	4	2
23. Judith Basin			
24. Lake	18	8	4
25. Lewis & Clark	27	25	5
26. Liberty			
27. Lincoln	0	-	-
28. Madison	0	-	-
29. McCone			
30. Meagher			
31. Mineral	0	0	0
32. Missoula	28	14	14
33. Musselshell	4	4	0
34. Park			
35. Petroleum			
36. Phillips	3	2	2
37. Pondera	3	1	1
38. Powder River			
39. Powell			
40. Prairie	4	4	0
41. Ravalli			
42. Richland	3	2	1
43. Roosevelt			
44. Rosebud			
45. Sanders	6	2	0
46. Sheridan			
47. Silver Bow	18	18	6
48. Stillwater	0	0	0
49. Sweetgrass	2	2	0
50. Teton	6	6	2
51. Toole	3	2	0
52. Treasure			
53. Valley			
54. Wheatland	4	1	1
55. Wibaux	0	-	-
56. Yellowstone	21	15	9
TOTAL	265	186	104



# AFTERCARE RESPONSES

DISTRICT	# Needed	# Placed	# Difficult
# 1 Missoula	4	2	2
# 2 Great Falls	15	5	5
# 3 Havre	7	0	0
# 4 Billings	7	7	7
# 5 Butte	14	7	7
# 6 Helena	20	20	0
# 7 Kalispell	7	0	0
# 8 Glendive	1	1	1
# 9 Bozeman	6	0	0
#10 Polson	4	1	0
TOTAL	85	43	22

# PROBATION RESPONSE

JUDICIAL DISTRICT	# Needed	# Placed	# Difficult
# 1 (Helena)			
# 2 (Butte)			
# 3 (Anaconda)	6	1	1
# 4 (Missoula)			
(Hamilton)	5	3	0
(Polson)	17	11	4
# 5 (Dillon)	1	1	0
# 6 (Livingston)	-	12	12
# 7 (Glendive)			
# 8 (Great Falls)			
# 9 (Cut Bank)	9	2	2
(Shelby)	18	1	0
(Choteau)			
#10 (Lewistown)	1	0	0
#11 (Kalispell)	5	5	0
#12 (Havre)			
#13 (Billings)	117	15	10
#14			
#15 (Wolf Point)	0	-	-
#16 (Miles City)	18	3	1
#17 (Glasgow)	0	0	0
#18 (Bozeman)	9	0	0
TOTAL	206	54	30

SHELTER CARE QUESTIONNAIRE #2

Please respond regarding the youth (aged 12-17) who were or will be under your supervision or jurisdiction. Shelter care means temporary care, 30 days or less in physically unrestricting facilities (or homes) pending court action or execution of a court or administrative order.

- #1. Number of youth aged 12-17 placed in shelter care between July 1, 1975 through June 30, 1976 in the following categories:

Attention Homes \_\_\_\_\_

All other Shelter Care \_\_\_\_\_

- #2. Total number of days of shelter care between July 1, 1975 through June 30, 1976 in:

Attention Homes \_\_\_\_\_

All other Shelter Care \_\_\_\_\_

- #3. Anticipated number of youth aged 12-17 who will need to be placed in shelter care from July 1, 1977 through June 30, 1978 in:

Attention Homes \_\_\_\_\_

All other Shelter Care \_\_\_\_\_

- #4. Anticipated number of shelter care days needed from July 1, 1977 through June 30, 1978 in:

Attention Homes \_\_\_\_\_

All other Shelter Care \_\_\_\_\_

This questionnaire was distributed in November 1976 and will be used to supplement the budget justifications in the Budget Adendum.



## APPENDIX 10

### PROPOSED JOB DESCRIPTION -- STATE YOUTH COURT ADMINISTRATOR

#### Appointment - Salary

With the approval of the Montana Supreme Court and in conformity with any Court rules, the State Court Administrator may appoint a Youth Court Administrator. The salary should be \$18,000 annually or not to exceed 75% of the salary of a district court judge. The State Youth Court Administrator shall hold the position at the pleasure of the State Court Administrator and the Supreme Court.

#### Qualifications

(1) Education: The State Youth Court Administrator should have a law degree or a master's degree in administration, social services, education, or systems analysis.

(2) Experience: The State Youth Court Administrator should have had at least two years' experience in a state juvenile justice system, preferably in juvenile court administration.

(3) Desirable skills: The State Youth Court Administrator should have an understanding of statistics and information retrieval and skills in writing, public relations, and participatory management.

Any equivalent combination of the above may satisfy the requirements.

#### Duties

The duties of the State Youth Court Administrator should include:

(1) The development of programs for the in-service education and training of youth court personnel, including judges, probation officers, and district youth court administrators;

(2) The gathering and dissemination of information about:

- (a) Services and administration of the Montana juvenile justice system;
- (b) Resources available to the Montana juvenile justice system;
- (c) Significant developments in juvenile law;

(3) The establishment and enforcement of qualifications for appointive youth court personnel;

(4) Fiscal management (including the management of any granted funds) for youth court programs and activities;

(5) The standardization of youth court procedures in conformity with the provisions of the Youth Court Act; and,

(6) Entering into cooperative agreements when necessary with state and local agencies and organizations concerned with youth activities and services, and generally maintaining coordination and close liaison among district youth courts and between the youth court system and state and local agencies and organizations concerned with youth programs and services.

(7) Such other duties as the State Court Administrator, with the concurrence of the Supreme Court, may assign.

APPENDIX 11

PRESENT SHELTER CARE FACILITIES AND DATA

Mission Valley Receiving Home

Total Budget - \$15,020.41 (expenses)

Staff - 2 houseparents and relief

Capacity - 12 youth

Number of youth - 8½ average per day

Average cost per day - \$4.84

Billings Children Home (Receiving Home)

Total Budget - \$59,251.00

Expenses \$59,330.30

Staff - 2 sets of houseparents

Capacity - 28 youth

Number of youth - 427 Total  
222 over 13

Average cost per youth - \$138.94

Great Falls Children's Receiving Home

Budget - \$33,451.70 (expenses)

Staff - 2 sets of houseparents

Capacity - 15 beds

Number of youth - 213

Youth care days - 3,518

Average cost per day - \$9.50

Youth Counseling Center

There is also a new Youth Counseling Center at Ronan. It houses youth age 13-17 for 90 days. Since it just started up there are not cost figures available. This center was started in connection with the Alcohol program operated at Ronan.

Helena Attention Home

Budget - \$49,288 (excluding facility)

Staff - set of houseparents/relief houseparents for 10 days/  
1 administrator/1 counselor

Capacity - 8 youth

Number of youth - 106

Youth care days - 2,199

Average cost per day - \$18.23

Butte Soroptomists Home

Budget - \$36,200

Staff -

Capacity - 12 youth

Youth care days - 320 second quarter

Average cost per youth day - \$13.75 second quarter





